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Optimising professionalism and quality in long day care: Early childhood professionals' perceptions of the impact of the regulatory environment

Marianne Fenech Jennifer Sumsion Joy Goodfellow

Macquarie University

mfenech@aces1.aces.mq.edu.au
jennifer.sumsion@mq.edu.au

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INTRODUCTION

Australian long day care services operate under a myriad of regulatory requirements (see page 8 for an overview of requirements of NSW long day care services). State- and territory-based child care regulations, the National Child Care Accreditation Council's Quality Improvement and Accreditation System (QIAS) and other external requirements are premised on the need for public accountability for the quality of the care provided and the management of perceived risks to children. These regulatory requirements are positive in intent and undoubtedly, in many respects, in their functioning and outcomes. As Power (1994) notes, however, the increased emphasis on regulation and rules, or the shift to an 'audit society', has "brought a complex bundle of gains and losses" (p. 9). While we are not proposing the abolition of child care regulations or the QIAS, we believe it is timely to consider the gains and losses with respect to the impact of the regulatory environment on early childhood professionals' capacities to provide quality care.

AIMS

The aim of the study reported here is to investigate early childhood professionals' perceptions of the impact of statutory, regulatory and other externally determined requirements on their capacity to provide high quality care and education for young children. In particular, the study focuses on teachers' perceptions of the impact of these requirements on their professional practice and decision-making, including their use of time and the opportunities and experiences they provide for children; their interactions and relationships with children and families; and their job satisfaction. The study also seeks early childhood professionals' views about how the balance between the need for regulation and professional autonomy might be addressed in ways that optimise the quality of long day care. More specifically, the study aims to:

- identify early childhood professionals' perceptions of the positive and negative impacts of statutory, regulatory and other externally determined requirements on their capacity to provide high quality care and education for children and the nature of this impact;
- ascertain the extent to which early childhood professionals' informal reporting of concerns about unanticipated and problematic effects of these requirements are widely-held;
- elicit early childhood professionals' suggestions about how the positive intent of these requirements to ensure high quality care might be better realised;

- identify key issues for major stakeholders (e.g., policy-makers, employers, industrial unions, and early childhood professionals themselves) in addressing the balance between regulation and professional autonomy.

These aims reflect our belief that early childhood professionals are not only primary interpreters of policy but also primary witnesses of policy implementation. As active professional decision-makers, they should be viewed and valued as contributors to policy making (Kincheloe, 2003). Thus, to optimise the quality of LDC, we believe it imperative that early childhood professionals be accorded a "careful and respectful hearing" (Hargreaves, 1994, p. xiii) concerning influences that they perceive impact on their capacity to provide children with high quality care.

BRIEF OVERVIEW OF THE LITERATURE

Anecdotal evidence suggests that many early childhood professionals are growing increasingly concerned that the cumulative impact of statutory, regulatory and other externally determined requirements is proving detrimental to their capacity to provide high quality care. There appear several strands to these concerns. *First*, time spent on paper work and associated compliance tasks reduces the time available for key professional responsibilities such as interacting responsively, and developing relationships, with children and families; and for the in-depth, collegially-based curriculum planning processes. *Second*, the perceived impact of these requirements limits the types of activities that teachers can make available to children and the range of experiences in which children can engage. *Third*, early childhood professionals report that the cumulative impact of these requirements leaves them feeling overwhelmed and stressed by demands associated with compliance; undermines their responsiveness to children and families; and disempowers them professionally by failing to recognise their capacity for informed professional judgement and decision-making.

Despite an emerging literature about the impact of increasing managerialism and externally determined accountability measures on teachers in schools (e.g., Smyth, 2002; Moore et al, 2002), there is, as yet, relatively little literature about the impact of the intensifying regulatory environment on teachers in prior-to-school contexts. The small body of existing literature identifies a range of concerns that tend to mirror the anecdotal concerns referred to above. These include:

- Erosion of professional autonomy (Grieshaber, 2000; Grieshaber, Halliwell, Hatch, & Walsh, 2000; Maloney & Barblett, 2002; Shepherd, 2004; Wolf & Walsh, 1998);
- Diminished time to engage in 'core work', such as interacting with parents and children and recording developmental observations of children (Grieshaber et al., 2000; Jackson, 1996);
- The threat of complex, wise, professional practice based on ongoing, fluid decision-making being reduced to a prescriptive, technical list of required actions and behaviours (Goodfellow, 2001, 2003; Shepherd, 2004);
- Teacher observation, traditionally used to gain rich insights into individual children being reduced to an assessment tool primarily for aspects of development (such as numeracy and literacy) foregrounded in political and economic discourses (Grieshaber et al., 2000);
- The tendency for professional judgement to be transferred from the domain of early child professionals to external assessors (Penn, 2002); and
- The extensive and prescriptive nature of accreditation can undermine the status of staff as professionals (Grieshaber, 2002).

THEORETICAL UNDERPINNINGS

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A rich array of theoretical constructs is guiding our exploration of the tensions between professional accountability and autonomy within the long day care context. These include disciplinary power and resistance (Foucault, 1977; Hoy, 2004); legitimate authority (Weber, 1962); trust and activist professionalism (Groundwater-Smith & Sachs, 2002; Sachs, 2003); risk (Lupton, 1994); and the audit society (Power, 1994). Our thinking is still at a preliminary stage and we are grappling with a multiplicity of questions.

For example, as Butin (2001) might argue, have poststructuralist-informed critiques of the impact of the regulatory environment, inadvertently misappropriated Foucault's work because of their emphasis on the constraining and disciplinary nature of power relations? Whilst citing examples of teacher resistance, Duncan (2002, p. 153), for instance, frames early childhood professionals as exercising power only after the "imposition" of regulations which she terms had "*come down from the top* levels of management" (our emphasis). Do critiques such as this fall prey to what Butin describes as two "Foucauldian fallacies": the negation of individual agency and the excluding of any potential of resistance to domination? Common to many such critiques is the absence of an active, confident, and purposeful early childhood profession. Rather, one is led to assume that individual early childhood professionals have had no power base from which to operate and have been passive receptors of overwhelmingly dominant accountability measures and state controlled quality care discourses. But are early childhood professionals *really* mere "obedient subjects" (Greishaber 2002, p. 167), victims of a machinery intent on producing and maintaining control over a docile workforce?

Themes raised by Lupton (1999) in her examination of the rise of 'a risk society' and by Sachs (2003) in her exposition of activist professionalism are also relevant. Lupton refers to the shift from the historical modernist notion of risk as having both 'good' and 'bad' potential to a predominantly negative construction; risk element increasing as a by-product of two key aspects of contemporary, postmodern Western society - the valuing of individual control and the rejection of objective, truth based ways of thinking which has led to a mood of uncertainty, unpredictability and complexity; risk being synonymous with danger and thereby to be avoided; and risk discourse, in terms of risk labelling and maintenance, as a product of sociocultural, political and economic factors. Contextualising these ideas within the teaching profession, Sachs (2003) argues that the erosion of trust and the brewing of risk anxiety compound a lack of public faith in the profession and in turn harness a perceived need for tighter accountability measures.

Accordingly, questions that arise for us include:

- What do early child professionals perceive to be the risks of an early childhood sector operating without regulatory requirements?
- What has the profession lost because risk is now solely correlated with danger?
- What has been the impact of these regulatory 'risk controls' on the provision of care?
- Is there scope for 'good risk' in the context of a regulatory environment?
- Can the regulatory environment of long day care services be seen as an appropriate response to legitimate concerns and anxieties? Or do intensive auditing systems instill a sense of fear and thereby create their own legitimacy?

RESEARCH DESIGN

To explore these and other questions, we have adopted a three phase, mixed method research design. The three phases comprise:

- A state-wide survey of all NSW long day care services that employ a university qualified teacher
- Focus group discussions (7 groups of approximately 8 participants)

- Individual in-depth interviews (18 participants to be interviewed 2-3 times over a 12 month period)

In this paper, we focus on the survey phase of the project and share some of the findings from the preliminary analysis of survey responses.

State-Wide Survey

In May-July 2004, we mailed a survey to 1683 long day care centres in NSW that, according to data base records of the NSW Independent Education Union (one of our Industry Partners in the project) were licensed for 30 or more children, thus requiring the employment of an early childhood qualified teacher. We requested that one staff member from each centre, who had an early childhood teaching qualification and who worked in a position that involved both management and teaching responsibilities, complete the survey.

A combination of open and closed questions were asked to elicit participants views about:

- The extent to which they found their work professionally satisfying
- Sources of their professional satisfaction and dissatisfaction;
- Quality care, professional decision-making and professional autonomy within the context of the regulatory environment;
- Recognition of their professional knowledge / expertise by: a) their centre team, b) their employer, c) parents, d) the broader community, e) NSW Department of Community Services' Regulations, f) the National Child Care Accreditation Council's Quality Improvement and Accreditation System (QIAS);
- The extent to which they feel trusted to provide quality care by: a) their centre team, b) their employer, c) parents, d) the broader community, e) NSW Department of Community Services' Regulations, f) the National Child Care Accreditation Council's Quality Improvement and Accreditation System (QIAS);
- The extent to which they perceived a) the NSW Department of Community Services' Regulations and b) the QIAS supported various aspects of their work; and
- The extent to which they were satisfied with the current regulatory environment.

PRELIMINARY ANALYSIS OF SURVEY FINDINGS

A total of 212 completed surveys from eligible respondents were received, giving a response rate of 12.6%. Most respondents were:

- female (96%)
- aged 30-49 years (70%)
- currently working in the not-for-profit sector (57%)
- employed in a director / centre manager role (75%)
- experienced early childhood professionals who had worked in the field for at least 6 years (70%)

Sources of professional satisfaction / dissatisfaction

Most respondents (81%) reported that they found their current position either 'a good deal' or a 'great deal' professionally satisfying. Sources of professional satisfaction were generally to do with 'internal' factors, that is, factors within their centre and close surrounds. The most frequently mentioned sources of satisfaction were: interactions, relationships and working with children (67%); working in a positive environment (57%); being in a leadership position (56%); interactions with parents (54%); being able to develop and implement one's professional practice (43%); providing a quality service (25%), and being part of the local community (18%).

In contrast, professional dissatisfaction primarily arose from 'external' factors that reflect socio / cultural / political / structural factors that tend to characterise the sector as a whole. *The most frequently mentioned source of dissatisfaction was the regulatory environment (mentioned by 60% of respondents)*, followed by the lack of respect/recognition for early childhood and the work of early childhood professionals, as reflected by low wages and poor working conditions (55%); and the lack of resources such as time, money, qualified staff, professional development opportunities (52%).

The regulatory environment as a source of professional satisfaction / dissatisfaction

Aspects of the regulatory environment that contributed to dissatisfaction included the perceived:

- prescriptive nature of requirements and consequent loss of autonomy;
- overwhelming breadth and extent of accountabilities and responsibilities;
- processes adopted by regulatory authorities, particularly perceived inconsistencies in assessors' views and the imposition of the assessor's own view;
- excessive paperwork that led to distorted prioritising of use of time and compromised the amount of time available to spend with children;
- over-emphasis on risk, to the detriment of the quality of care that could be provided for children.

Yet despite this dissatisfaction with the regulatory environment:

- 96% of respondents agreed that being accountable is a legitimate requirement of early childhood professionals;
- 90% of respondents believed that not having a regulatory environment would be a risk to the standard of long day care provided;
- 66% of respondents stated that the regulatory environment supported their professional practice;

These seemingly contradictory findings indicate that there is general support for the *intent* of a regulatory environment, that is, there is agreement that a system of requirements is needed to provide a framework that protects both children and teachers and which sets standards in keeping with the provision of quality care. Dissension surfaces however in relation to the *processes* the current regulatory environment utilises to achieve its goals, and its *outcomes*, intended or otherwise.

Preliminary relationships from survey results

Preliminary analysis of survey findings suggests that age of respondent may be a significant variable, although irrespective of age, respondents tended to: a) see accountability as a legitimate requirement; c) consider the absence of a regulatory environment a risk to quality standards; and b) be motivated to achieve more than minimum standards. The older the respondent, however, the less supportive they perceived the regulatory environment to be of their professional practice.

As the age of respondents increases, it appears that their perception:

- that the regulatory environment supports their *professional practice* decreases ($p < .01$; $r = -.207$)
- that there is an appropriate balance between the accountabilities of the regulatory environment and their own *professional autonomy* decreases ($p < .05$; $r = -.170$)
- that the regulatory environment is *too prescriptive* increases ($p < .01$; $r = .197$)
- that the regulatory environment provides the incentive to develop *innovative practices* that facilitate individual children's development decreases ($p < .01$; $r = -.243$)
- that the regulatory environment assists their *flexibility* to respond to individual children, families and circumstances decreases ($p < .01$; $r = -.278$)

- that meeting regulatory requirements means they are able to know they are *doing a good job* decreases ($p < .01$; $r = -.201$)
 - that the regulatory environment achieves its intended goal of *quality care* decreases ($p < .01$; $r = -.354$)
 - of the extent to which their centre team and employer *recognise* their professional knowledge and expertise increases ($p < .01$; $r = .227$ and $.213$ respectively)
 - of the extent the *DOCS' regs and QIAS* give *recognition* to their professional knowledge and expertise decreases ($p < .05$; $r = -.155$ and $-.167$ respectively)
 - of the level of *trust given by QIAS* decreases ($p < .01$; $r = -.245$)
 - that *DOCS' regs* supports their capacity to provide *quality care* decreases ($p < .01$; $r = -.206$)
 - that *DOCS' regs* supports their *professional practice* decreases ($p < .05$; $r = -.172$)
 - that *DOCS' regs* supports the *long day care sector* decreases ($p < .01$; $r = -.214$)
 - that *QIAS* supports their interactions with children ($r = -.196$), with parents ($r = -.244$), their capacity to provide quality care ($r = -.309$), their professional practice ($r = -.283$), their effective use of time ($r = -.210$), and the long day care sector ($r = -.256$) all decrease ($p < .01$)
 - of their *satisfaction with the current regulatory environment* decreases ($p < .01$; $r = -.206$)
- There appears to be significant ($p < .01$) and positively strong correlations between age and years of experience, whether this be as a teacher ($r = .444$), a director ($r = .553$), an authorised supervisor ($r = .476$). This suggests then, but needs to be explored further, that the older and more experienced the respondent, the less satisfied they were with various aspects of the regulatory environment.

DISCUSSION

Inevitably, these findings raise still more questions. Those we are currently pursuing include:

- What is it about being older and therefore generally more experienced that means older, early childhood professionals are more likely than their younger counterparts to consider that the regulatory environment has a detrimental impact on their practice?
- If not (or apart from) the regulatory environment, what supports the practice of older, more experienced early childhood professionals?
- How do these factors intersect with the regulatory environment?
- Do older, more experienced early childhood professionals become less tied to regulatory requirements in the sense that their established professional grounding is built on much more than the regulatory environment? For example, do they develop a sense of the wise, artistic practice (Goodfellow, 2001, 2003) discussed in the literature? Or do they have a stronger sense of their own legitimate authority (Weber, 1962) than their younger, less experienced counterparts?
- How do experienced early child professionals make the regulatory environment 'work' for them? For example, do they use strategies of resistance (Foucault, 1977; Hoy, 2004). If so, how and in what circumstances?
- What does the regulatory environment provide for younger, less experienced, early child professionals that enables them to perceive their professional practice is supported by the regulatory environment?

We will continue to explore these questions in our analysis of the focus group data and in the series of individual interviews with early childhood professionals to be undertaken in 2005. Our explorations will be located within broader questions, such as:

- What does being a 'professional' mean in terms of being able to exercise autonomy in day to day decision making?

- What constitutes legitimate knowledge and legitimate monitoring of practice?
- How are these decisions made? How should they be made? Who makes / should make them?

These questions, of course, have relevance far beyond the early childhood field.

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Regulatory, Statutory and Other Requirements of LDC Teachers in NSW
(The asterisk against items below indicates those Acts identified in the
NSW draft *Children's Services Regulation 2002*).

State Acts

- *Architects Act 1921**
- *Anti-discrimination Act 1977*
- *Child Protection (Prohibited Employment) Act 1998**
- *Children (Care and Protection) Act 1987*
- *Child Care Payments Act 1997*
- *Children and Young Persons (Care and Protection) Act 1998**
- *Disability Services Act 1993**
- *Education Act 1990*
- *Environmental Planning & Assessment Act 1979**
- *Family Assistance Act 1999*
- *Food Act 1989*
- *Local Government Act 1993**
- *NSW Industrial Relations Act 1996*
- *Nurses Act 1991**
- *Occupational Health & Safety Act 2000**
- *Public Health Act 1991**
- *Road Transport (General) Act 1999**
- *Swimming Pools Act 1992**
- *Technical & Further Education Act 1990**
- *The Commission for Children and Young People Act 1998**
- *Vocational Education & Training Act 1990**
- *Workers Compensation Act 1987*

Source: NSW Government Cabinet Office:

www.legislation.nsw.gov.au

Commonwealth Attorney General's Department:

www.scaleplus.law.gov.au

Commonwealth Acts

- *Corporations Act 2001**
- *Equal Employment Opportunity Act 1987*
- *Equal Opportunity for Women in the Workplace Amendment Act 1999*
- *Migration Act **
- *National Health Act 1953**
- *Ombudsman Amendment Act 1983*
- *Privacy Act 1998**

Other statutory requirements and recommendations/guidelines

- *Australian and New Zealand Standard: Playground surfacing...*
- *Building Code of Australia**
- *Cancer Council of Australia**
- *Industrial Awards*
- *NSW Cancer Council **
- *NSW Interagency Guidelines for Child Protection Intervention (2000)*
- *Play Equipment Standards*
- *Quality Improvement and Accreditation System quality standards (2002)*
- *Roads and Traffic Authority Guidelines**
- *Standards Association of Australia*
- *The Centre Based and Mobile Child Care Services Regulation (No 2) 1998**
- *Workcover Authority Standards (inc. Workers Compensation and OH&S)*

QIAS also requires that a number of centre based policies be developed and maintained (NCAC 2001)

Inclusive policies - equity, equal opportunity, justice including awareness of cultural sensitivity

Complaints handling (with respect to families)

Behaviour - positive guidance

Food and nutrition - food handling/storage

Child health

- child protection
- infection control
- sick children
- administering medications
- immunisation
- accidents and emergencies
- dental care
- sun protection

Safety

- safety checks
- maintenance of buildings and equipment

Staff

- staffing policies to ensure continuity of care
- staff resolution of differences

