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## Voices from the Other Side of the Fence: early childhood teachers' experiences with mandatory regulatory requirements

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**ABSTRACT** Guided by feminist research principles, the study reported in this article contributes to the growing research dialogue on early childhood teachers' experiences with, and perceptions of, the impact of regulatory requirements on their teaching and on their perceptions of themselves as professionals. Specifically, three teachers from metropolitan Sydney (Australia) offered insights into their experiences working under the state of New South Wales (NSW) Children's Services Regulation 2004 ('the Regulation'), a mandatory Regulation applicable to all children's services in NSW. Three early childhood teachers participated in research conversations and a visual/textual enquiry process, which involved teachers collecting, developing and constructing seven panels using photography, artefacts, text and visual art media, to represent their 'sense of place' in their work environment in light of the impact of the Regulation. Themes emerging from the data were identified and considered in light of the regulatory intent for children's services, and possible unintended adverse consequences for teachers. The themes include regulatory tension, mistrust, surveillance, sacrifice, resistance, compliance, relationships, interpretation and ambiguity, and the stifling of an educational focus. The findings suggest that early childhood teachers may operate behind a metaphorical regulatory 'fence', which contributes to their perceptions of safety but impinges on their professional freedom, integrity and passion for teaching.

### **Clause 45**

(1) Any part of the premises of a children's service that is designated for outdoor play space must be fenced on all sides.

(2) The design and height of any fence or gate on the premises must prevent children from scaling or crawling under or through it and must inhibit or impede intruders from entering the premises ...

(4) ... All gates leading to or from the premises of a children's service must be designed so as to prevent children from entering or leaving the premises unsupervised. (Extract from the Children's Services Regulation, 2004 [Parliamentary Council NSW, 2004, Clause 45])

### **Fences**

Six feet in height  
four inches wide

dog-eared on top  
wood pickets line my yard.

Three stories high  
thirteen rooms each  
gables on top  
twelve houses line my block.

Seven miles wide  
fifteen miles long  
trains running through  
black pavement lines my town.

Wide open space  
umbrella sky  
antelope graze  
barbed wire lines the range.

One day, I swear,  
I'll take myself  
out to a place  
where nothing lines the world.  
(Broomfield, 2003)

### **Introduction**

In Australia, regulations and controls are generally considered essential in early childhood education to ensure an acceptable minimum standard of care is provided for children in the prior to school sector (Ebbeck & Waniganayake, 2003). Without government intervention, there is a perceived risk of children's services becoming dangerous and unsuitable places for children (Shepherd, 2004). However, a growing literature suggests that 'surveillance' and 'inspection', characteristic of the 'audit society' (Sachs & Mellor, 2005), may have a negative impact on early childhood teachers' perceptions and experiences of their roles in children's services. Moreover, the shortage of qualified teachers may be partly attributed to the adverse impact of the regulatory environment on teachers (Shepherd, 2004). Yet, there remains a paucity of research exploring teachers' perceptions and experiences of the early childhood regulatory environment and the impact on their working lives, despite anecdotal reports indicating a growing awareness of this issue in Australia and internationally.

### **The Regulatory Context in New South Wales**

The regulation of children's services in Australia is a state or territory government responsibility (Press & Hayes, 2000). In New South Wales (NSW), the Department of Community Services (DoCS) is responsible for monitoring and enforcing the NSW Children's Services Regulation 2004 (Parliamentary Council NSW, 2004). Services must comply with the Regulation in order to be granted an operating licence. Each children's service must employ a staff member to fill the role of Authorised Supervisor, who is accountable for ensuring the centre complies with the Regulation. The Authorised Supervisor answers to a representative from DoCS, known as the Children's Service Adviser (CSA). According to the Regulation, *children's services* refers to centre-based children's services (e.g. long day care and some pre-schools); family day care children's services; home-based children's services; and mobile children's services (Parliamentary Council NSW, 2004, Clause 3). The NSW Regulation requires the employment of university qualified teachers in long day care centres licensed for more than 29 children.

This study focused on university qualified teachers employed in long day care and pre-school. Although long day care services and most pre-schools come under the umbrella of DoCS rather than the NSW Department of Education and Training (DET), they are required to provide an

educational program. The dual responsibility of children's services to provide care *and* education tends to be overlooked by the public and frequently by teachers in other educational settings. Therefore, the professional status of teachers in children's services is generally considered lower than that of teachers working in schools.

In NSW, as in Australia generally, children's services operate under three broad auspice-types: private for-profit independent services; for-profit corporate chains; and community-based not-for-profit organisations. Theoretically, all long day care services, regardless of auspice type, should provide similar levels of quality as funding is linked to successful participation in the national Quality Improvement and Accreditation System, via the Child Care Benefit, a federal government fee rebate to parents for use in accredited services (Press & Hayes, 2000). However, a recent Australian survey focusing on the perceptions of children's service staff on the level of quality provided in their own centre, found that generally, staff employed in community-based centres perceived the quality of their service provision to be higher quality than the perceptions of staff employed in independent private centres and corporate chains (Rush, 2006).

This article reports on a study conducted to explore how teachers in children's services, who are currently in the role of Authorised Supervisor, experience their roles and how these experiences have been affected by the Regulation. The key issues explored included teachers' work histories interpreting and implementing the Regulation; and teachers' perceptions of the impact of the Regulation on their teaching.

During the course of this research, one of the participants used the metaphor of a fence to explain the impact of the Regulation, commenting that it both protected and limited her as an early childhood teacher. This metaphor proved useful to us, and subsequently, to the other participants, in reflecting on teachers' working lives. We argue that early childhood teachers operate behind the fences that define their centre, while also existing and functioning within the broader context of regulatory frameworks governing children's services. Literally and metaphorically, teachers operate 'on the other side of the fence' from policy makers and DoCS. This article provides an opportunity for teachers' 'voices' to be heard from 'the other side of the fence', concerning the impact of regulatory frameworks. As Duncan (2004) asserts, 'when we listen to the accounts of those who deal daily with the realities of implementing these policies ... we can begin to see a fuller picture' (p. 17).

### **International and Australian Studies**

A handful of recent studies have explored the regulatory impact on early childhood education internationally and within Australia, although relatively few of these have focused on the impact of teachers. Gormley's (2000) cross-national comparison of regulatory practices in standards and enforcement in four countries (France, Germany, Sweden and the United States) drew attention to two extremes of regulatory practices. In Sweden, regulatory standards were 'child focused', with the pursuit of low staff to child ratios, small group sizes and well-trained staff, and considerable contact between staff and children. Regulatory enforcement was approached through the provision of pedagogical assistance to child care providers, and was based on the premise that child care providers were trustworthy. In the United States, regulatory standards were 'facility focused', and were dominated by attention to safety of the physical plant (e.g. safe equipment, soft surfaces, and removing/containing hazardous substances); regulatory enforcement relied on regular inspections to ensure centre compliance, although in practice enforcement was lax. The image of the child and the perceptions of the place of early education within each society are reflected in the philosophy guiding regulatory stipulations, which in turn affects the image of the teacher in society, and the value placed on their work.

In the United States, regulatory practices were investigated more closely by comparing the impact of child care licensing regulations on quality service provision across four states (Gallagher et al, 1999). The findings supported those of Gormley (2000); all four states found the task of regulating standards for child protection easier than regulating standards for child development. Gallagher et al's comparative investigation reinforced that in light of multiple perspectives on quality (Moss & Petrie, 2002), structural aspects of children's services (e.g. ratios, group size, floor space, equipment height) are less complex to measure and therefore more appealing than process

aspects (e.g. positive relationships with children and families), which determine high quality. Gallagher et al's study raises the question of how the regulation of structural aspects of children's services affects early childhood teachers' ability to provide high-quality education for children, and how regulatory stipulations affect their professional sense of self.

In Ireland, Hayes et al (1997 as cited in O'Kane, 2005) provided empirical evidence of changes arising from the introduction of national regulatory requirements. In a similar vein to Gallagher et al (1999), Hayes et al suggested that although regulatory control can potentially improve factors contributing to quality, such as lower child to staff ratios and smaller group size, there may be adverse unintended consequences for the quality of teaching.

In New Zealand, Duncan (2004) investigated the impact of increasing government accountability measures in children's services. She recorded the perceptions and insights of eight early childhood teachers' experiences with early childhood education policy reforms, and the impact of the reforms on their teaching and management of children's services. All eight teachers reported feelings of being 'overtaken' and 'misplaced' by the pace of the changes and the increased administrative demands; expectations of implementing a new curriculum; reduced time available to spend with children; and by centralised requirements which they perceived were not relevant to their centre.

An Australian study undertaken in Queensland (Grieshaber et al, 2000; Hatch & Grieshaber, 2002), found that increasing levels of accountability in the regulatory environment pressured the participating teachers to use child observations as an assessment tool for external audiences, rather than as a tool to inform curriculum decision making within the classroom. This study highlights the need to investigate the unintended and potentially adverse impact of regulatory requirements on teachers and their practice.

Another Australian study, undertaken in NSW (Fenech, Robertson et al, 2006; Fenech, Sumsion et al, 2006) investigated the impact of the regulatory environment on early childhood professionals' job satisfaction, professional practice and perceptions of their ability to provide quality care. The respondents cited a number of concerns that contributed to job dissatisfaction. These included excessive paperwork; loss of autonomy; over-regulation; inadequate minimum standards; and the ambiguous nature of some regulatory stipulations, leading to differences in interpretation and consequent tensions in teachers' relationships with their Children's Services Advisors (CSAs). The survey findings highlight the need for further investigations of how teachers' experiences of the regulatory requirements might be made less onerous. The study reported here builds on existing studies by exploring early childhood teachers' experiences while working under the NSW Regulation.

### **Theoretical Framework**

The study was informed by five interconnected principles of feminist research methodology as interpreted by Punch (1998). These principles guided our explorations with teachers. First, we adhered to our belief that our experiences are key determinants of the knowledge and understandings we construct about the world in which we live, and the people with whom we interact. The presence of emotion, and its powerful effect on the construction of knowledge, should also be acknowledged (Reinharz, 1992; Punch, 1998; McIntyre, 2004).

Secondly, in keeping with feminist research perspectives, we valued human interaction and rejected the proposition that research can be objective, detached and scientific (Reinharz, 1992; Punch, 1998; Speer, 2002). Consequently, as Reinharz (1992) advises, we participated as learners and listeners, rather than 'researchers'.

Thirdly, we recognised that research provides possibilities for engaging teachers in a process of reflection and deconstruction of beliefs that may ultimately lead to what Reinharz (1992) refers to as the *demythification framework*. By this, she means that 'the very act of obtaining knowledge creates the potential for change' because it assists in overcoming 'the paucity of research about certain groups [which] accentuates and perpetuates their powerlessness' (p. 191).

We also drew on Punch's fourth principle, which espouses the idea that research should be linked to action. Through participation in this study, there was potential for teachers to become aware of the Regulatory impact on their professional roles and to take positive action as a result.

Lastly, we were committed to enacting research which followed a feminist ethos of collaboration between the researcher and the participants, involving the co-construction of understanding, rather than the collection or retrieval of data. We believe that the feminist values inherent in these principles assisted in creating relatively equitable spaces for engagement in the study.

### **Mode of Enquiry**

The mode of enquiry involved what Sullivan (2005) terms a methodological 'coalition', involving a combination of methods drawn from arts-informed enquiry, to generate data in a collaborative, interwoven fashion. The coalition used in this study involved a partnership of research conversations and a visual/textual enquiry process. This design offered a multidimensional approach to understanding the lived experience of teachers that transcended traditional methodological and disciplinary boundaries.

Arts-informed enquiry is a mode of investigation that generates data in visual textual forms and other arts-inspired forms of representation (Knowles & Thomas, 2000; Banks, 2001; Sullivan, 2005). Potentially, a visual mode of enquiry can draw out knowledge and understandings which may be missed, overlooked or unexposed in more traditional textual forms of data collection (Black & Halliwell, 2000; Banks, 2001; McIntyre, 2004). Arts-based research 'critiques the privilege of language-based ways of knowing' (Finley, 2005, p. 685) and is potentially 'dynamic, reflexive, and revelatory as creative and critical practices are used to shed new light on what is known and to consider the possibility of what is not' (Sullivan, 2005 p. 192).

Commonly, visual and textual imagery is developed through photography (Knowles & Thomas, 2000; Banks, 2001; Sumsion, forthcoming); participants' drawings of metaphors (Black & Halliwell, 2000; Jorde Bloom, 2000; Sumsion, 2002; Britt & Sumsion, 2003); participants' drawings and jottings during interviews (Kelly & Berthelsen, 1995; Weber & Mitchell, 1996); or a combination of all types of imagery (Knowles & Thomas, 2000, 2001; Sumsion, forthcoming). Visual images, in all of the above-mentioned research, are accompanied by verbal or textual data to enhance and complement the visual mode of enquiry. Forms of arts-informed enquiry emphasise 'dignity and respect as the guiding values in the relationship' (McIntyre, 2004, p. 260).

### **Participants**

The teachers worked in centre-based services; two were Authorised Supervisors, and one was a Temporary Authorised Supervisor. Their roles encompassed teaching, as well as leading and managing within their workplace. Further details about each participant are provided later in the article.

### **Data Generation**

Data was generated in two ways: visual/textual imagery panels, and research conversations.

#### *Visual/Textual Imagery Panels*

Marlene Creates, an artist from Newfoundland, represented 'sense of place', using a set of seven visual/textual panels. Several educational researchers have drawn on Creates' technique to explore 'sense of place' with students. Knowles & Thomas (2000, 2001) have used this technique to assist secondary school art students to explore their sense of place in schools, while Sumsion (forthcoming) has engaged pre-service teachers in a similar enquiry of their sense of place in their teacher education program. In our adaptation of this research technique, we asked the participating teachers to reflect on their 'sense of place' in their work environment, in light of the impact of the Regulation. Like Knowles & Thomas (2000), we used 'sense-of-place' to describe a notion which 'interweaves the elements of geographical location, social consciousness, and the meanings derived from experience-in-place' (p. 3). Figure 1 explains the guidelines for developing each visual/textual panel that collectively convey a sense of place.

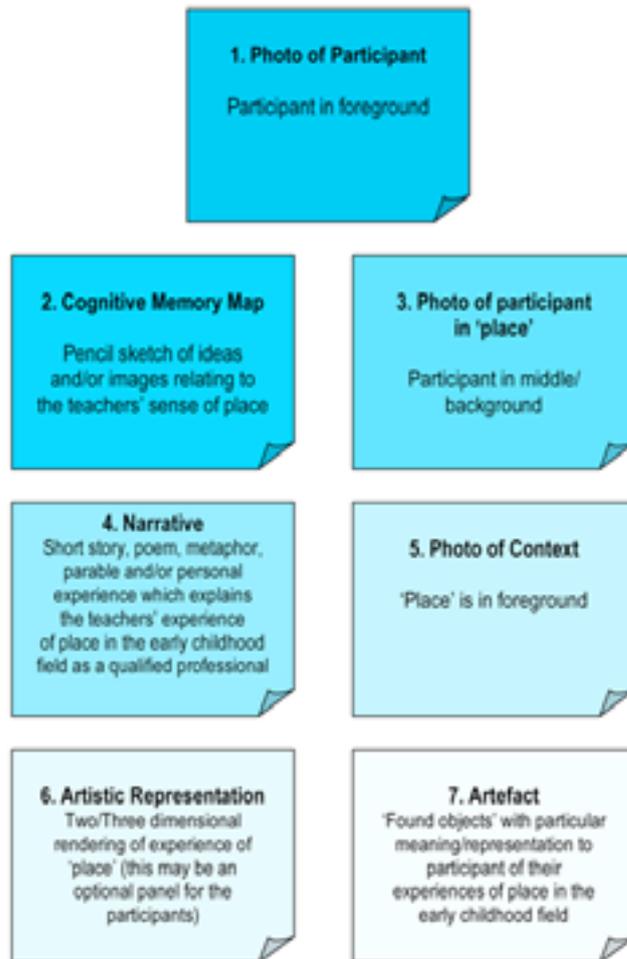


Figure 1. Descriptors for the seven visual/textual panels.

### *Research Conversations*

Conversations, rather than formal interviews, were the mode of oral communication used to develop open, honest relationships with participants in a relaxed atmosphere (Black & Halliwell, 2000; Knowles & Thomas, 2000). Black & Halliwell (2000) contend that research conversations make it possible to 'risk expressing partly formed ideas, to ask naïve questions, to bring emotion to the fore, and to challenge one another's ideas' (pp. 104-105).

Each teacher participated in three research conversations of approximately one hour's duration. The conversations were held individually with each teacher. Between the research conversations, the teachers developed and designed their visual/textual imagery panels. The first research conversations involved general discussions about the teachers' experiences in dealing with the Regulation, as well as how they were thinking about developing their visual/textual panels. After the first research conversation, the teachers began to collect, develop and construct their panels: taking photographs, collecting artefacts, writing text and arranging the panels. By the second research conversation, the teachers had begun developing their panels and we spent a considerable amount of the time discussing what they had done, and what they proposed to do. In the last research conversation we shared our preliminary interpretations of the data with the teachers, and invited them to agree, elaborate or redefine their initial responses based on our tentative interpretations.

### **Interpretive Framework**

Feminist perspectives also influenced the 'lens' through which we interpreted the data. Hatch (2002) refers to this lens as 'political analysis' which intends to 'provide a framework that builds in analytic integrity so that findings are grounded in data while acknowledging the political nature of the real world and the research act' (p. 191). A 'political analysis' perspective recognises that the research process is inherently affected by the politics of research relationships and the personal backgrounds of all those involved, as they come to the research process with their own agendas, biases and opinions.

We drew on several steps of political analysis as outlined by Hatch (2002). First, interpretation involved sensitively observing the collective 'voice' of the data. Secondly, we recognised that our interpretations of the research would be influenced by our own biases and political positioning. We then coded the data, drawing on our beliefs and perspectives to record textual impressions which were salient to the research question, and to explore aspects of the data we had not anticipated. Our reading of visual imagery was also informed by Banks (2001), who notes that reading visual images requires 'tuning in to conversations between people, including but not limited to the creator of the visual image and his or her audience' (p. 10). 'Tuning in' includes objective observation of visual elements, such as the person or objects that feature, and the context they are presented in; it also includes the arrangement of visual content such as the angle of light, colours chosen and spatial organisation.

### **Addressing Rigour**

Arts-informed enquiry was employed to capture teachers' perceptions in a dynamic and multilayered format. We were conscious, however, that this methodology, like any methodology, could be used by participants or the researchers to dramatise or exaggerate perceptions. To address this concern, we encouraged participants to provide verbal and written accounts of their everyday experiences to accompany their visual panels.

Like Kelly & Berthelsen (1995), we used 'member checking' to provide teachers with an opportunity to clarify their earlier responses and our initial interpretations of the data as a way to prevent over-interpretation or exaggeration. Once we had discussed our interpretive summaries of the panels with the participants, we finalised the summaries.

### **Presenting the Data**

When organising and synthesising the visual/textual panels and research conversations of each participant, we were conscious of presenting the data in a cohesive and holistic way to acknowledge the individual voices and accounts of each teacher. We found it useful to draw on the metaphor of fences, which featured in some form or another, in all three teachers' representations. The following selection of images from the teachers' visual/imagery panels represents the essence of their accounts. Pseudonyms are used throughout.

### **Belinda's Side of the Fence**

Belinda is the Director and Authorised Supervisor of a 60-place community-based pre-school in South Sydney, catering for children from three to five years. Belinda believes that the Regulation is important in order to maintain a minimum standard, but at the same time, she struggles with the administrative demands which dominate her working day and the difficult relationship she has with her Children's Service Advisor.



Figure 2. Panel 2: Participant in 'place'.

*Belinda's Commentary:* When I think of the regulations, I think of policy, procedure, guidelines, time, counting, checking. At times I feel like I am roped to my chair. This panel represents me being tied down in order to complete necessary tasks.

*Our Commentary:* Belinda's image of being literally tied with rope to her office chair is forceful in portraying the repressive demands of her job. These demands and challenges appear to affect her ability to stay positive about her role. The strong feeling of powerlessness in this image reminds us of Shepherd's (2004) comment: 'Disenchanted, disenfranchised and disempowered, the early childhood teacher has given up ...' (p. 26)

Belinda's situating of herself behind the door suggests that she is separated from the outside world by a barrier. The door could be likened to 'fences' and boundaries such as the Regulation, which defines the boundaries of a centre literally and metaphorically. We wonder if Belinda recognises the 'fences' that frame her world.



Figure 3. Panel 5: Artistic representation.

*Belinda's Commentary:* At times I feel just as the photo suggests. Everyone wants a bit of me. They help themselves. Wanting more and more of you. Regardless of how I feel, how much time I have, what pressures I am feeling, what deadlines I need to meet – I just smile and am kind, helpful and supportive even though part of me wants to scream.

*Our Commentary:* Belinda's use of a dark blue background contributes to this sobering representation. Belinda's stance – arms opened and legs apart – seems almost sacrificial. She is offering herself to the birds and they willingly take parts of her. This image conjures ideas of the teacher as the sacrificial agent, justifying her role and her dedication 'for the sake of the children' (Duncan, 1996). Even though parts of her are being damaged, the teacher sacrifices her own well-being for the demands of children and families. The positioning of only two visual elements, the birds and Belinda, suggests an oppositional relationship. Perhaps at times, Belinda feels isolated in her struggles to meet the demands of children and families, as no one is attempting to protect her. Belinda described the feeling of losing pieces of herself:

I went home the other night and said 'I'm sick of everybody wanting a bit of me.' It's parents, it's DoCS, it's consultants, it's staff, it's children ... there's no 'me time', there's nothing for me. And

then I feel selfish because I think, well, that's my job ... and you put on a nice face and smile ... there's times when I lose a little bit of the enjoyment.

Is this portrayal yet another reminder that the system uses the consciences of women to put up with poor conditions 'for the sake of the children' (Duncan, 1996)? Osgood (2006) discusses the potential for early childhood teachers to experience oppressive control under hegemonic professionalism discourses, which may suffocate alternative definitions of professionalism, by enforcing intensified workloads assessed on 'technical competence and performativity' (p. 6). It could be argued that this performative assessment is evident in the implementation and monitoring of the Regulation. The professional discourse identified by Belinda includes selflessness and a happy demeanour despite internal discontent. In this instance, the dominant professional discourse seems to encourage teachers to accept feelings of sacrifice as a requirement of fulfilling the role of the 'dedicated early childhood professional'. In the pursuit of 'professionalism' early childhood teachers in effect, self-regulate their working lives, perpetuating the dominant governmental professionalism discourse (Osgood, 2006).



Figure 4. Panel 6: Artefacts.

*Belinda's Commentary:*

*Rope* – (as for Panel 2) – I feel tied to my desk. Bound to the regulations.

*Phone bill* – I spend a lot of time on the phone dealing with enquiries.

*Regulations* – Adhering to these. Always a priority. Going through licensing at the time of doing this. Have been to a forum recently re. the changes in the regulations effective January 2006.

Regulations are at the forefront of my mind at present.

*Policies* – Adhering to policy and procedure constantly. Referring back to policy constantly.

*Clock* – Representing time – timelines/meeting deadlines/always more to fit in the little time that you already have – never enough of it.

*Positions Vacant* – I am all of these people and more in the role I undertake.

*Teabag* – A lot of communication and 'catching' up among the staff in our busy days occurs in the kitchen. This is like the 'hub' of the place.

*Clouds* – Euphoric. Sense of place. A love for what I do.

*Definition* – My career is like a vocation, like a Nun. I was meant to be doing this.

*Our Commentary:* Again, the image of the sacrificial teacher appears, with Belinda likening herself to a nun, with a deep, lifelong sense of vocation, and yet, she feels tired and anticipates leaving the field. The rope rests in the opposite corner, reminding Belinda of the tensions between the joys of her vocation, and the constraints and ‘binding’ nature of the Regulatory environment.

Belinda includes many job titles to represent the breadth of her responsibilities, although ‘teacher’ (or ‘facilitator of learning’ as Belinda prefers), does not feature. Belinda spoke about her frustrations with the Regulation’s lack of consideration for early childhood education, saying:

I can’t see anything in terms of children within them. Bar keeping them safe in the parameters that you work within. But I don’t see anything in there as to what I think is important, in terms of interest-based programs and extending children ... there’s nothing that comes through, and to me that’s what’s important, child centredness and individuality ...

In fact, Belinda explained when reflecting on the Regulation, she thought, ‘heights, distances, policies, cross your t’s and dot your i’s’ rather than educational considerations.

### **Lillian’s Side of the Fence**

Lillian is the Director and Authorised Supervisor of a 48-place community-based long day care centre in South Sydney which caters for children from birth to five years. Lillian’s words and images communicate a sense of her confidence in, and acceptance of, the Regulation.



Figure 5. Panel 1: Portrait of participant, ‘place’ in background.

*Lillian’s Commentary:* The Regulations provide a base for what we do here. They are the policies and the rules that you adhere to. You are bound by them but they don’t limit you.

*Our Commentary:* The solidity of the bricks and the structure of the castle reflect Lillian's confidence and surety that she is in control of her situation and in control of how the Regulation affects her. Lillian chose to stand within the castle walls, which could be interpreted as confinement to a regulated area, an analogy to the fence/boundary of the Regulation. This image also presents the reader with a complex layering effect of fences and railings, which define and limit the environment of the centre. Sally Broomfield's (2003) poem *Fences*, featured at the beginning of this article, captures the essence of a world confined by fences. The poem raises some questions about the 'lines' that confine our world; can we become immune to the 'fences' which we operate behind and when do we become conscious of their presence? Broomfield suggests an awareness of the 'lines' in her world. Does Lillian believe the 'lines' operating around her have become less apparent over time, or do they operate to define and support her work?



Figure 6. Panel 6: Artistic representation.

*Lillian's Commentary:* In this picture, the fence is the Regulation. The children and families are represented by the different kinds of flowers and plants, to illustrate the many cultures we have in our centre. The groupings of flowers represent the ratios and group sizes we must observe. The pathways represent the way we have to separate the groups. The fence represents the Regulation. On one side it protects you, so it is a boundary that helps you and keeps you safe. On the other side, in some ways, it could be limiting, such as the difficulty sometimes when you have to count the numbers exactly and group sizes according to numbers rather than a particular project that you might want to do. So it does have limitations.

*Our Commentary:* Lillian has constructed an orderly and functional garden, to illustrate how she views the impact of the Regulation. The power of the Regulation is depicted in the dominating fence, which spans the width of the frame. As in Panel 1, fences and boundaries feature powerfully within this image. The paling fence, the rock wall and the green hedges are boundaries built to define space. There is certain regularity to this garden: the spacing between the bees; the centrality of the feature garden; and the shaped hedges and rock wall. These aspects contribute to the sense of control and stability of this garden, which reflects Lillian's approach to managing her centre.

### Elaine's Side of the Fence

Elaine is the Temporary Authorised Supervisor of a 58-place independent private long day care centre catering for children from two to five years, on Sydney's Northern Beaches. Elaine's account mostly relates to her recent experiences with the centre in which she currently works, where she has found that her personal standards for compliance with Regulatory stipulations are not observed at the same level by her employers.



Figure 7. Panel 3: Participant in 'place'.

*Elaine's Commentary:* This image is about ratios, worrying about whether things are being done the way they are supposed to be and that the children's needs are preserved. I spend a lot of time at my desk checking up on things, sometimes secretly checking through the Regulation to see if we're complying, as well as all general programming. The first thing that came to mind was checking on the staff and numbers.

*Our Commentary:* Elaine's relaxed appearance in this image contrasts with her carefulness and diligence to ensure the centre is complying with the 'numbers'. For Elaine, compliance with the

Regulation is a reflection of her professionalism. She believes non-compliance may risk a poor reputation. In her work, Elaine often uses the Regulation to 'back up' the requests she makes to staff. Similarly, this image depicts the Regulation in the fence behind her, supporting Elaine as she carries out one of her regulatory duties of checking and counting.



Figure 8. Panel 5: Photo of context.

*Elaine's Commentary:* This panel shows me sitting at my desk in my room where I spend a majority of my time. What I teach and the way I run the room must reflect the Regulation. At my desk I: keep a copy of the Regulation; leave things to give in to the office; store Accreditation documents; keep information relevant to my role as Temporary Authorised Supervisor; and keep notes from parents and staff. I come inside in the morning and I go straight over and check the diary. Everything I need is over there, everything. So it's really important.

*Our Commentary:* This image reflects the confines and challenges Elaine faces in her role as Temporary Authorised Supervisor. The piles of books and folders lie precariously on the shelves above her desk. It seems ironic that Elaine's role demands so much responsibility and time, and yet she is provided with a space which seems inadequate to support her. We wonder, does this represent the hazardous nature of children's services for teachers? How does the early childhood environment affect teachers' identity, integrity, confidence and future development?

### **Emerging Themes and Discussion**

Although the findings from this study are not generalisable, they raise important issues for policy makers, early childhood teacher professionals and researchers to consider. It seems likely that the participants in this study, similarly to the experiences of other teachers reported in the broader literature (Kelly & Berthelsen, 1995; Duncan, 1996, 2004; Sumsion, 2002, 2003), experienced stress and conflict as a result of other external influences, such as relatively low remuneration, professional isolation, the low professional status of early childhood teachers and taxing working conditions. The themes raised in the following discussion, however, emerged directly from the participants' accounts of their experiences with the Regulation. We identify and discuss these themes below.

*The Regulatory Tension: hindering and helping*

All three teachers perceived the Regulation as a guide for their practice, and were convinced that the Regulation attempted to ensure the protection and safety of children. In many ways, the teachers felt the Regulation legitimised their roles, and gave them legal responsibility. Elaine found the Regulation often assisted her when arguing for better quality with her independent private operator employers. Lillian and Belinda explained that the Regulation often assisted them when encouraging staff to complete or abide by certain processes, explaining to staff the legal requirements. Although experiencing the Regulation as a support, in some ways, the teachers found the Regulation to be problematic in that it impinged on their teaching, their professional sense of self, and their passion and dedication to the field. Elaine indicated, for example, her belief that the Regulation should mandate increases in the requirements for qualified staff, identifying the positive relationship between service provision quality and staff qualifications.

*Mistrust and Surveillance*

The NSW Regulatory system is maintained through surveillance and enforcement, with a flow-on effect from CSAs to teachers, and teachers to centre staff. The regulatory system of surveillance appears to be based on the premise that children's services staff may lapse into non-compliance, without constant monitoring and the threat of disciplinary action from a greater external authority. Mistrust, therefore, seems to be a key factor characterising the NSW early childhood regulatory approach. The emphasis on mistrust and policing is echoed in Gormley's (2000) study of the US regulatory landscape. If a culture of mistrust is maintained in the regulatory system by the many levels of surveillance, early childhood teachers may experience poor relationships with the Department of Community Services (DoCS) or Children's Service Advisors (CSAs), and possibly difficult relationships with staff, who may mistrust the Regulation, and also mistrust the teacher/Authorised Supervisor monitoring their compliance.

The three teachers in the study found that it was not always easy to refer to the Regulation for support when leading and managing a team of staff, because it often involved making unpopular decisions; balancing trust with monitoring; and being 'heavy handed' when making requests. Their roles were made increasingly difficult when staff did not agree with a regulatory stipulation, or did not understand why a stipulation was being implemented.

The theme of mistrust also seemed to be evident in other aspects of the regulatory environment. For example, the Regulation states that two persons must be on the *premises* at all times while children attend the centre. However, the teachers ensured that all groups of children had two staff *present* at all times. It was unclear who was requesting enforcement of this practice, which was more stringent than what was required by the Regulation. The teachers reasoned that these additional measures were necessary to protect children from being left alone with a potentially dangerous adult; to protect staff from accusations of abuse from children and/or families; and to protect the organisation from accusations of poor management in enabling 'risky' situations to occur between adults and children. If fear and mistrust dominate policy making and the implementation of policy in services, teachers may experience negative consequences in their working lives, such as an undermining of their perceptions of themselves and their colleagues as trustworthy professional educators; their relationships with families and regulatory 'officials'; and possibly even their previously positive attitude towards employment in the early childhood field.

*Unquestioning Compliance and Sacrifice*

Although possibly experiencing negative perceptions of themselves and others as untrustworthy, the three teachers seemed to accept these restrictions as necessary. However, it could be possible that they reinforced the systematic mistrust through unquestioning compliance to policy which went beyond regulatory stipulations, rather than considering whether these measures were fair and justified. It seemed that the teachers may have unwittingly sacrificed their professional dignity and integrity by accepting and implementing a policy based on mistrust of children, families and teachers.

The theme of the teacher as sacrificial agent was also evident in the accounts of two of the teachers. Belinda sacrificed her own well-being and enjoyment of life by always putting children and families first; and Elaine considered remaining as a teacher at her centre until the end of the year for the sake of the children, despite considerable unhappiness in her position. Duncan (1996) contends, 'The teacher, sited within this discourse, is one who works selflessly for the good of the children, and out of dedication to the job' (p. 166), and who is willing to 'do a lot for a little' (p. 165). A teacher who resists this discourse is deemed to be selfish and self-interested, thus raising serious concerns about the potential exploitation of these women teachers in a system of governance relying on the professional dedication of women to put up with poor conditions 'for the sake of the children'.

Belinda's image of the birds taking pieces of her illustrates the passive submission of the teacher to prevent being labelled 'selfish' and 'self-interested', and the empowerment of the 'others' to take advantage of the teacher's sacrifice.

#### *Stifling Education, Promoting Safety*

Health, safety and child protection are key concerns of the Regulation and DoCS. Yet the teachers in this study found that some health and safety requirements were compromising educational opportunities, for example, Lillian's belief that creative teaching opportunities are somewhat restricted by the Regulation; and Elaine's decreasing contact time with the children in order to complete regulatory duties. It seems possible that teachers' ability to make sound decisions in the best interests of children's health/safety *and* educational experiences is not acknowledged by the regulatory system. Teachers, perhaps, hold the most informed position to make judgements about the context and children in attendance, but this knowledge may go untapped in the current system of governance. Regulating children's services for structural aspects of the environment appears to be perceived by DoCS as less complicated than regulating pedagogical aspects of service provision (Gallagher et al, 1999).

Observing appropriate health and safety issues in the care and education of young children is clearly important. However, situating early childhood education within the DoCS portfolio seems to perpetuate an undue emphasis on health, safety and welfare issues and stifle a focus on educational objectives. The teachers in this study may have become disillusioned and weary working in children's services because their beliefs and philosophical positions on teaching and education have not always been acknowledged by the regulatory system. How would the NSW early childhood field change if, as is increasingly the case elsewhere, such as in the state of South Australia (2005), it were situated within an educational portfolio that aimed to deliver 'high quality education and training services from early childhood' by meeting 'the learning needs of children' (NSW Department of Education and Training, 2005), rather than a department which 'promotes the safety and wellbeing of children' (Department of Community Services, 2005)?

#### *Relationships with Children's Service Advisors*

Although Children's Service Advisors (CSAs) aim to provide teachers with 'professional advice', 'support' and 'guidance with practical suggestions' (Department of Community Services, 2004), both Belinda and Elaine reported challenges when interacting with their CSAs, citing the CSAs' use of power to intimidate people, and creating tension through their demeanour and behaviour. Lillian, however, reported a satisfactory relationship with her CSA, although noting she had only visited the centre once in three years. Perhaps, as Lillian believes, her professional relationship with her CSA is based on a level of trust. It was unclear whether teachers' relationships with their CSAs were influenced by whether they were employed in a for-profit or not-for-profit service. Belinda found, for example, that her relationship with her CSA was often difficult even though Belinda worked for a not-for-profit community-based provider.

When asked to describe the manner they would adopt if working as CSAs, all three teachers agreed on the need for high-level interpersonal skills, including observing professional courtesy, being approachable, adopting a positive outlook and fostering a degree of trust with the centre to work towards a partnership. These findings paralleled those of Gormley (2000). The theme of trust

has emerged again here, highlighting the need to avoid systems of governance and monitoring that undermine teachers' morale and confidence, and trust in themselves and their CSAs.

#### *Ambiguity in Interpreting the Regulation*

CSA and teacher relationships were further hindered when CSAs could not provide a uniform response to the same issue. Ambiguity in the Regulation seemed to be a frustrating and typical problem, not only for teachers and CSAs, but also possibly for CSAs and DoCS, reflecting similar experiences of teachers in New Zealand (Duncan, 2004). Difficulties with interpretation were apparent when the teachers attended the Regulation Briefing Sessions, designed to assist service providers in understanding the implications of the new regulatory changes. The CSAs present were not permitted by DoCS to comment on, or answer, any questions raised by participants. The facilitator of these sessions explained that the CSAs present were noting questions raised, which would be answered on the DoCS website in due course. DoCS' attitude to the teachers attending these sessions led us to wonder whether, in the process of monitoring the Regulation, the individual rights and responsibilities of teachers and CSAs are being lost sight of, through the emphasis on surveillance.

#### *Resistance or Compliance?*

The teachers' decisions to resist or comply with the Regulation were specific and contextual. Resistance ranged from explicit public opposition and outward resistance, to quiet resistance and personal contemplation. Similarly, compliance ranged from unquestioning, to forced compliance. Each teacher's responses varied when dealing with different issues in the Regulation. It was unclear whether the teachers had experienced adverse consequences when resisting the regulatory requirements, particularly when resisting outwardly and publicly.

#### **Reflections on the Methodology**

Research that generates data through arts-informed methods has the potential to offer new insights and knowledge that other methodologies may not be able to deliver. Yet at the same time, arts-informed methods could potentially seduce participants and researchers into simplifying, dramatising or exaggerating their depictions and interpretations. To address these concerns, we requested from the participants continual explanation and verification (through examples) of their depictions and perceptions. We also invited our university colleagues to question and critique our own interpretations. We acknowledge that the participants' representations and our interpretations may not be 'read' the same way by others. Subjectivity is, however, the nature of artistic endeavour. We see this as a strength of arts-informed research as it can generate ongoing reflection, reinterpretation and critique.

The participants had varying degrees of confidence in themselves and exposure to arts-based experiences. We too, acknowledge that our experience with using arts-based methodologies is relatively limited. Consequently, participation in this arts-based research project was a challenge for participants' and our own thinking and perceptions of teachers' experiences of regulatory requirements. It was a valuable starting point for us, and for our participant collaborators, in beginning to explore the potential of arts-informed enquiry. The three participants found the process of developing their panels so rewarding and valuable in supporting critical reflection on their experiences that they requested to meet each other for a panel viewing session, a meeting that we had not anticipated.

#### **Conclusion**

This study used arts-based methodology, informed by feminist research perspectives, to explore how three early childhood teachers experienced their working lives under the NSW state Regulation. Although this methodology needs to be approached with an appreciation of the risks the participants were asked to take in 'exposing' their perceptions through visual imagery, and an

awareness of potential pitfalls discussed previously, it was helpful in highlighting the adverse unintended consequences of the regulatory system for the early childhood teachers in this study. These adverse consequences included tensions of mistrust and surveillance within the regulatory system; teachers becoming sacrificial agents for 'the sake of the children'; the practice of unquestioning compliance; the stifling of educational experiences resulting in teachers' loss of professional integrity and responsibility; the development of potentially difficult relationships with CSAs; the ambiguous nature of many regulatory stipulations causing difficulty with interpretation; and teachers making decisions of resistance or compliance with regulatory stipulations.

Teachers' adverse experiences could be seen to be an outcome of the hierarchical system established to monitor and control children's services, using surveillance and discipline. The challenge, now, is to consider how the adverse consequences of the Regulation on early childhood teachers can be addressed and minimised.

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#### **Notes**

This study was undertaken by Kathryn for her undergraduate honours project. Kathryn is now teaching children between two and five years, and is experiencing first hand the challenges of working with the NSW Regulation. Jennifer was Kathryn's supervisor.

#### **References**

- Banks, M. (2001) *Visual Methods in Social Research*. London: Sage.
- Black, A.L. & Halliwell, G. (2000) Accessing Practical Knowledge: how? why? *Teaching and Teacher Education*, 16, pp. 103-115. [http://dx.doi.org/10.1016/S0742-051X\(99\)00045-1](http://dx.doi.org/10.1016/S0742-051X(99)00045-1)
- Britt, C. & Sumsion, J. (2003) Within the Borderlands: beginning early childhood teachers in primary schools, *Contemporary Issues in Early Childhood*, 4(2), pp. 115-136. <http://dx.doi.org/10.2304/ciec.2003.4.2.3>
- Broomfield, S. (2003) *Fences*. <http://www.prairiepoetry.org/poetry03/poems/broomfelds1.html> (accessed 10 October 2005).
- Department of Community Services (2004) 'We're Educators and Advisors,' says Pam, *Inside Out*, p. 11.
- Department of Community Services (2005) *NSW Department of Community Services* <http://www.community.nsw.gov.au> (accessed 29 April 2005).
- Duncan, J. (1996) 'For the Sake of the Children' as the Worth of the Teacher? The Gendered Discourses of the New Zealand National Kindergarten Teachers' Employment Negotiations, *Gender and Education*, 8(2), pp. 159-170. <http://dx.doi.org/10.1080/09540259650038833>
- Duncan, J. (2004) Misplacing the Teacher? New Zealand Early Childhood Teachers and Early Childhood Education Policy Reforms, 1984-96, *Contemporary Issues in Early Childhood*, 5(2), pp. 160-177. <http://dx.doi.org/10.2304/ciec.2004.5.2.4>
- Ebbeck, M. & Waniganayake, M. (2003) *Early Childhood Professionals: leading today and tomorrow*. Sydney: MacLennan & Petty.
- Fenech, M., Robertson, G., Sumsion, J. & Goodfellow, J. (2006) Working by the Rules: early childhood professionals' perceptions of regulatory requirements, *Early Child Development and Care*, Preview Article, pp. 1-14.

- Fenech, M., Sumsion, J. & Goodfellow, J. (2006) The Regulatory Environment in Long Day Care: a 'double-edged sword' for early childhood professional practice, *Australian Journal of Early Childhood*, 31(3), pp. 49-58.
- Finley, S. (2005) Arts-Based Inquiry: performing revolutionary pedagogy, in N.K. Denzin & Y.S. Lincoln (Eds) *The Sage Handbook of Qualitative Research*, 3rd edn, pp. 681-694. Thousand Oaks: Sage.
- Gallagher, J., Rooney, R. & Campbell, S. (1999) Child Care Licensing Regulations and Child Care Quality in Four States, *Early Childhood Research Quarterly*, 14(3), pp. 313-333.  
[http://dx.doi.org/10.1016/S0885-2006\(99\)00015-0](http://dx.doi.org/10.1016/S0885-2006(99)00015-0)
- Gormley, W.T. (2000) Early Childhood Education and Care Regulation: a comparative perspective, *International Journal of Educational Research*, 33(1), pp. 55-74.  
[http://dx.doi.org/10.1016/S0883-0355\(99\)00043-9](http://dx.doi.org/10.1016/S0883-0355(99)00043-9)
- Grieshaber, S., Halliwell, G., Hatch, J.A. & Walsh, K. (2000) Child Observation as Teachers' Work in Contemporary Australian Early Childhood Programmes, *International Journal of Early Years Education*, 8(1), pp. 41-55. <http://dx.doi.org/10.1080/096697600111734>
- Hatch, J.A. (2002) *Doing Qualitative Research in Education Settings*. Albany: State University of New York Press.
- Hatch, J.A. & Grieshaber, S. (2002) Child Observation and Accountability in Early Childhood Education: perspectives from Australia and the United States, *Early Childhood Education Journal*, 29(4), pp. 227-231.  
<http://dx.doi.org/10.1023/A:1015177406713>
- Jorde Bloom, P. (2000) Images from the Field: how directors view their organisations, their roles and their jobs, in M. Culklin (Ed.) *Managing Quality in Young Children's Programs. The Leader's Role*, pp. 59-77. New York: Teacher's College Press.
- Kelly, A.L. & Berthelsen, D.C. (1995) Preschool Teachers' Experiences of Stress, *Teaching and Teacher Education*, 11(4), pp. 345-357. [http://dx.doi.org/10.1016/0742-051X\(94\)00038-8](http://dx.doi.org/10.1016/0742-051X(94)00038-8)
- Knowles, J.G. & Thomas, S.M. (2000, 24-28 April) Experiencing School: students portrayed in context. Paper presented at the American Educational Research Association Conference, New Orleans, LA.
- Knowles, J.G. & Thomas, S.M. (2001, 10-14 April) An Exploration of Sense-of-Place in Schools: drawing inspiration from an artist. Paper presented at the Annual Meeting of the American Educational Research Association, Seattle, WA.
- McIntyre, M. (2004) Ethics and Aesthetics: the goodness of arts-informed research, in A.L. Cole, L. Neilsen, J.G. Knowles & T.C. Luciani (Eds) *Provoked by Art: theorizing arts-informed research*, pp. 251-261. Nova Scotia: Backalong Books.
- Moss, P. & Petrie, P. (2002) *From Children's Services to Children's Spaces: public policy, children and childhood*. London: RoutledgeFarmer.
- NSW Department of Education and Training (2005, 13 October) *NSW Department of Education and Training website*. <https://www.det.nsw.edu.au/aboutus/index.htm> (Accessed 26 October 2005).
- O'Kane, M. (2005) The Effect of Regulation on the Quality of Early Childhood Services in Ireland, *Child Care in Practice*, 11(2), pp. 231-251.
- Osgood, J. (2006) Deconstructing Professionalism in Early Childhood Education: resisting the regulatory gaze, *Contemporary Issues in Early Childhood*, 7(1), pp. 5-14. <http://dx.doi.org/10.2304/ciec.2006.7.1.5>
- Parliamentary Council NSW (2004, 30 September) *Children's Services Regulation 2004*.  
<http://www.legislation.nsw.gov.au> (accessed 1 July, 2004).
- Press, F. & Hayes, A. (2000) *OECD Thematic Review of Early Childhood Education and Care Policy*. Australian Background Report. Sydney: Commonwealth of Australia.
- Punch, K.F. (1998) *Introduction to Social Research. Quantitative and Qualitative Approaches*. London: Sage.
- Reinharz, S. (1992) *Feminist Methods in Social Research*. Oxford: Oxford University Press.
- Rush, E. (2006) *Child Care Quality in Australia*. Discussion Paper No. 84. The Australia Institute.
- Sachs, J. & Mellor, L. (2005) 'Child Panic', Risk and Child Protection: an examination of policies from New South Wales and Queensland, *Journal of Education Policy*, 20(2), pp. 125-140.
- Shepherd, W. (2004) Children's Services: dangerous places for children? *Rattler*, Autumn(69), pp. 23-26.
- South Australian Department of Education and Children's Services (2005) *Department of Education and Children's Services*. <http://www.decs.sa.gov.au/> (accessed 5 November, 2005).
- Speer, S.A. (2002) What Can Conversation Analysis Contribute to Feminist Methodology? Putting Reflexivity into Practice, *Discourse and Society*, 13(6), pp. 783-803. <http://dx.doi.org/10.1177/0957926502013006757>
- Sullivan, G. (2005) *Art Practice as Research. Inquiry in the Visual Arts*. Thousand Oaks: Sage.

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- Sumsion, J. (2002) Becoming, Being and Unbecoming an Early Childhood Educator: a phenomenological case study of teacher attrition, *Teaching and Teacher Education*, 18, pp. 869-885.  
[http://dx.doi.org/10.1016/S0742-051X\(02\)00048-3](http://dx.doi.org/10.1016/S0742-051X(02)00048-3)
- Sumsion, J. (2003) Rereading Metaphors as Cultural Texts: a case study of early childhood teacher attrition, *The Australian Educational Researcher*, 30(3), pp. 67-87.
- Sumsion, J. (forthcoming) The Transformative Potential of Preservice Teachers' Visual Inquiry, in J.G. Knowles, A.L. Cole, L. Neilsen & T.C. Luciani (Eds) *The Art of Visual Inquiry*, pp. 1-17. Halifax and Toronto: Backalong Books & The Centre for Arts-Informed Inquiry, University of Toronto.
- Weber, S. & Mitchell, C. (1996) Drawing Ourselves into Teaching: studying the images that shape and distort teacher education, *Teaching and Teacher Education*, 12(3), pp. 303-313.  
[http://dx.doi.org/10.1016/0742-051X\(95\)00040-Q](http://dx.doi.org/10.1016/0742-051X(95)00040-Q)