

(OFFICE ONLY) DATE RECEIVED     /     /

This application is to be used by centre-based early learning services holding a licence under the Education (Early Childhood Services) Regulations 2008.

This application is to be completed by a person involved in the governance of the service if they wish to:

- a) make any alterations to the service that would affect the conditions of the licence; or
- b) make any changes to the operation of the service that would make any matter specified on the licence incorrect; or
- c) change the identity of the service provider operating the licensed service; or
- d) change service provider details; or
- e) change the service name or service details; or
- f) change the service provider contact person or their details; or
- g) change the funding contact person or their details; or
- h) change the emergency contact person or their details; or
- i) permanently move to new premises if the service is situated on land which has been acquired by the Crown under Part 2 of the Public Works Act 1981 or Part 5 of the Urban Development Act 2020.

You do not have to resupply information that has not changed.

1. Current Contact Details

<b>Contact Details</b> <i>Provide details of the current service provider and service name.</i>  <b>If you are applying to merge two or more licences, include information for all services (names and numbers). Also clearly note which unique service number you wish to retain.</b>	Current Service Provider Name	
	Current Service Name(s)	
	Service Number(s) (printed on current licence certificate)	
	Service Provider Number(s) (if known)	
<b>Applicant Contact Details</b> <i>A person must be listed for the purposes of this application. This person must be from the service provider and is the person who must complete this application, including the Application Declaration in section 10 and the Statutory Declaration in section 11.</i>	First Name	Middle Names
	Family Name	
	Phone Number	Mobile Number
	Email	<input type="checkbox"/> Tick if this email <b>can</b> be made publicly available.

2. Reason for Application

This section relates to the reason for the change.

Tick the box(es) that indicate the nature of the amendment applied for.  
If you require more than one change, tick and complete all relevant sections.

For example, if with the change of service provider the contact person has also changed complete both section 3 and section 5 as well as the Application Declaration in section 10 and the statutory declaration in section 11. Also review the documentation checklist in section 12 for the documents that are required to support the application.

Change of Service Provider/Service Provider Details

Complete sections 3, 7 and the Application Declaration in section 10.  
If there is a change in the identity of the service provider (eg, change of ownership), also complete the Statutory Declaration in section 11.

Change of Service Name/Address/Contact Details/Type

Complete sections 4, 7 and the Application Declaration in section 10.

Change of Service Provider Contact Person

Complete sections 5, 7 and the Application Declaration in section 10.

Change of Funding Contact Person

Complete sections 6, 7 and the Application Declaration in section 10.

Change of Emergency Contact Person

Complete sections 7 and the Application Declaration in section 10.

Change of Operating Conditions

Complete sections 7, 8 and the Application Declaration in section 10.

Change in building structure, layout or use of premises

Complete the Application Declaration in section 10 and supply the required documents listed in section 12.

Merge two or more licences into one licence

Complete section 8, the Application Declaration in section 10 and supply the required documents listed in section 12.

Permanent relocation due to land acquisition by the Crown

Complete sections 4, 7, 8, the Application Declaration in section 10 and supply the required documents listed in section 12.

Brief description of the events likely to affect the status of the licence. Provide any additional information relevant to this application (e.g. building alterations; change in use or reorganisation of play space/ sleep space etc.)

Date for changes to be effective from.

(

/

/

)

(DAY/MONTH/YEAR)

### 3. Change of Service Provider/Service Provider Detail

Where there are changes to the details of the legal status, address and contact details for the owners of the service this section must be completed. This section must also be completed if there is a change to the identity of the service provider. Leave this section blank if the service provider details have not changed.

#### Service Provider Name

*This is the name of the body, agency or person who or that arranges, or offers to arrange, that education and care.*

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#### New Zealand Business Number (NZBN)

*The Companies Office administers the NZBN register which is responsible for the allocation of the NZBN for New Zealand businesses.*

9	4											
<small>If you do not have a NZBN enter <b>N/A</b>, or If you are not sure if you have a NZBN look it up using your organisation's name at <a href="http://www.nzbn.govt.nz">www.nzbn.govt.nz</a> or If you do not know your NZBN enter <b>'?</b>' <b>Note that if your organisation is an</b> incorporated society, a trust board or a company then you will have a NZBN.</small>												

#### Ownership Type

*Tick one only*

<b>Owned Privately</b>		
<input type="radio"/> Sole Trader*	<input type="radio"/> Company	<input type="radio"/> Partnership
<b>Owned by an Incorporated Society</b>		
<input type="radio"/> An Incorporated Society ( <i>under the Incorporated Societies Act</i> )		
<b>Owned by a Trust</b>		
<input type="radio"/> Charitable Trust ( <i>under the Charitable Trusts Act</i> )	<input type="radio"/> Statutory Trust ( <i>e.g. a trust under the Anglican Church Trusts Act 1981</i> )	<input type="radio"/> Private Trust ( <i>includes trusts declared to be charitable for tax purposes</i> )
<b>Owned by a Community Organisation</b>		
<input type="radio"/> Government Department	<input type="radio"/> State Owned Enterprise	<input type="radio"/> City Council
<input type="radio"/> Health Board	<input type="radio"/> Public Education Institution ( <i>e.g. polytechnic, college of education, university, wananga</i> )	<input type="radio"/> Community Trust

#### Sole Trader Declaration

*(This declaration is only applicable to applicants operating as Sole Traders) See section 13, note 6 for more information.*

Sole Trader consent is required under section 548(1)(b) of the Education and Training Act 2020, for the Ministry of Education (authorised under Part 5 of the Data and Statistics Act 2022) to disclose data held in Statistics New Zealand Integrated Data Infrastructure related to your service.

This consent only applies to data disclosed at the level of an early childhood service and will solely be used for the purposes of developing or using tools relating to the provision of funding to early childhood services, i.e., and equity index, as provided for in section 548A(1) of the Education and Training Act 2020.

The privacy of the children and families is protected, as data in the IDI is governed by robust confidentiality rules is de-identified.

You may withdraw your consent at any time by notifying the Ministry in writing.

☐

I authorise consent

☐

I do not authorise consent

Signature

X

Date

X

#### Service Provider Address

*These addresses relate to the service provider, and may be different from the service's address.*

<b>Street Address</b>	
Suburb / District	
Town / City	Postcode
Phone Number	Mobile Number
Email	<input type="radio"/> Tick if this email <b>can</b> be made publicly available

If different from Street Address

Website	
<b>Postal Address</b>	
Suburb / District	
Town / City	Postcode
Special Delivery Instructions	

#### 4. Change in Service Name/Address/Contact Details/Type

Where there are changes to the details of the service this section must be completed. Leave this section blank if the service details have not changed.

Service Name

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Service Address

These addresses relate to the service for which the amendment to the licence is sought.

Note: Amendments to the address may only relate to changes occurring to the details of the service's address – for example, corrections/changes to street name, postcode or numbering. Services may not change the location of the premises from which they are licensed to operate using an amendment application, except if their service is situated on land which has been acquired by the Crown under Part 2 of the Public Works Act 1981 or Part 5 of

<input type="radio"/> Tick this box if the <b>service's street address</b> is the same as the service provider's street address in section 3.	
<b>Street Address</b>	
Suburb / District	
Town / City	Postcode
Phone Number	Mobile Number
Email	<input type="radio"/> Tick if this email <b>can</b> be made publicly available
ELI Email	Website

If different from Street Address

<b>Postal Address</b>	
Suburb / District	Town / City
Postcode	Special Delivery Instructions

Service Type

If applicable, tick one only

Note: You only need to complete this section if you are applying to change your service type. This will affect the service's funding rates. For example, if an education and care centre becomes affiliated to a Kindergarten association and can meet all requirements associated with operating a kindergarten, the service provider can apply to change the service type to be funded at kindergarten rates.

<b>Select the service type you are applying to change to</b>		
<input type="radio"/> Education and care centre	<input type="radio"/> Kindergarten (affiliated to a Kindergarten association)	<input type="radio"/> Kōhanga reo (chartered to Te Kōhanga Reo National Trust Board)

By completing this section, the applicant confirms they understand the change of service type will affect the service's funding rates. If the application is subsequently found to be incorrect and has resulted in any overpayments, this will need to be paid back to the Ministry of Education.

## 5. Change of Service Provider Contact Person

Where the service provider wishes to change the person nominated as the contact person, this section must be completed. Leave this section blank if the service provider contact person details have not changed.

### Name of Service Provider Contact Person

*This is the person nominated by the service provider to represent it and whose name will appear on the amended certificate of licence.*

*Please see section 13, note 1, for more information about the service provider contact person requirements.*

First Name	Middle Names
Family Name	
Address	
Suburb / District	
Town / City	Postcode
Special Delivery Instructions	
Phone Number	
Mobile Number	
Email	<input type="checkbox"/> Tick if this email <b>can</b> be made publicly available

## 6. Change of Funding Contact Person

Where the service provider wishes to change the person nominated as the funding contact person, this section must be completed. Leave this section blank if the funding contact person details have not changed.

### Name of Funding Contact Person

*This person will receive financial forms (eg RS7) from the Ministry of Education and be the contact for funding matters.*

First Name	Middle Names
Family Name	
Address	
Suburb / District	
Town / City	Postcode
Special Delivery Instructions	
Phone Number	Mobile Number
Email	<input type="checkbox"/> Tick if this email <b>can</b> be made publicly available

## 7. Confirmation of or change to the Emergency Contact Person

Provide details of the emergency contact person for the service. This is to ensure we hold the most up-to-date details.

We recommend you choose someone who would normally be on-site during the service's operating hours. Their presence at the service means they can provide us with a quick response and a request for help if needed.

Emergency Contact Person

*This is the person who the Ministry will contact in an emergency.*

First Name

Family Name

Phone number

Mobile number

Email

## 8. Change of Operating Details

The operating details provided below will inform the conditions under which the service will be authorised to operate, and which will be listed on the amended certificate of licence. Where the service provider wishes to change any of the service operating details this section must be completed. Detail all sessions below if any amendments are being made. Leave this section blank if the operating details have not changed.

	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday	
Circle only one per day →	Teacher Led Parent Led		Teacher Led Parent Led		Teacher Led Parent Led		Teacher Led Parent Led		Teacher Led Parent Led		Teacher Led Parent Led		Teacher Led Parent Led	
Tick only one per day →	All Day <input type="radio"/>	Sessional <input type="radio"/>	All Day <input type="radio"/>	Sessional <input type="radio"/>	All Day <input type="radio"/>	Sessional <input type="radio"/>	All Day <input type="radio"/>	Sessional <input type="radio"/>	All Day <input type="radio"/>	Sessional <input type="radio"/>	All Day <input type="radio"/>	Sessional <input type="radio"/>	All Day <input type="radio"/>	Sessional <input type="radio"/>
All-day or Session 1	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End
Times														
Max # child places														
Max # child places aged under two years														

Session 2	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End
Times														
Max # child places														
Max # child places aged under two years														

## 9. He Pānui Kōhungahunga – the Early Learning Bulletin

The Ministry publishes a monthly bulletin which is emailed to all service providers. The bulletin is the Ministry's way of communicating important information, changes and events happening in the early learning community.

Ensure that you read and engage with information in the bulletin to stay up to date and remain compliant.

If you would like the bulletin emailed to others within the service, please add their information through the bulletin sign up page:

<https://govt.us10.list-manage.com/subscribe?u=373954a1e5499801180060837&id=93430945e7>

10. Application Declaration

The applicant must complete the applicant declaration below. If there is an amendment to the service provider also complete the Statutory Declaration in section 11.

If there is a change to the service provider contact person, both the current and proposed service provider contact person must complete the service provider contact person declarations below. *If the current service provider contact person is unable to sign, a representative from the service provider (state full name and role) must provide a reason for this and a statement confirming the change.*

Applicant Declaration

I am applying under the Education (Early Childhood Services) Regulations 2008 to change the details as identified in this application.

I confirm that to the best of my knowledge the information contained in this application is correct and accurate.

Full name of Applicant	<table><tr><td>First Name</td><td>Family Name</td></tr></table>	First Name	Family Name
First Name	Family Name		
Signature	X		
Date	<table><tr><td>(   /   /   )</td></tr><tr><td>(DAY/MONTH/YEAR)</td></tr></table>	(   /   /   )	(DAY/MONTH/YEAR)
(   /   /   )			
(DAY/MONTH/YEAR)			

Service Provider Contact Person Declarations

As the current service provider contact person, I confirm that I will no longer be the service provider contact person for this service.

Full Name of Current Service Provider Contact Person (if applicable)	<table><tr><td>First Name</td><td>Family Name</td></tr></table>	First Name	Family Name
First Name	Family Name		
Signature	X		
Date	<table><tr><td>(   /   /   )</td></tr><tr><td>(DAY/MONTH/YEAR)</td></tr></table>	(   /   /   )	(DAY/MONTH/YEAR)
(   /   /   )			
(DAY/MONTH/YEAR)			

As the proposed service provider contact person, I confirm that I meet, and will continue to meet, the requirements of a service provider contact person as detailed in section 13, note 1.

Full Name of Proposed Service Provider Contact Person	<table><tr><td>First Name</td><td>Family Name</td></tr></table>	First Name	Family Name
First Name	Family Name		
Signature	X		
Date	<table><tr><td>(   /   /   )</td></tr><tr><td>(DAY/MONTH/YEAR)</td></tr></table>	(   /   /   )	(DAY/MONTH/YEAR)
(   /   /   )			
(DAY/MONTH/YEAR)			

11. Statutory Declaration by Service Provider

- This statutory declaration must be completed and signed by the applicant identified in section 1 in front of the authorised person under section 9 of the *Oaths and Declarations Act 1957*.
- Service providers that own or operate more than one service may wish to photocopy this part of the form once completed. Please note that the statutory declaration should be no older than 3 months if you intend to use it for subsequent licence applications.
- **For more information about the statutory declaration, see section 13, note 2.** This also tells you what you must do if any circumstance arises which might make this statutory declaration incorrect.

STATUTORY DECLARATION

TO ACCOMPANY APPLICATIONS FOR LICENCES TO OPERATE EARLY CHILDHOOD EDUCATION AND CARE CENTRES, AND HOSPITAL-BASED SERVICES  
(First Schedule, Oaths and Declarations Act 1957)

I \_\_\_\_\_ of \_\_\_\_\_  
(insert name of applicant) (insert address)

\_\_\_\_\_ acting on behalf of \_\_\_\_\_  
(insert name of service provider)

("the service provider") understand that:

1. The following information is required for the purpose of enabling the Ministry of Education to determine whether members of the service provider, including the applicant, are suitable to be involved in the governance of the service.
2. This information is required pursuant to regulations 6(3)(b) of the *Education (Early Childhood Services) Regulations 2008*.
3. I must complete this application **on behalf of myself and each person to be involved in the governance of the service.** See Section 13 Note 2 for clarification.
4. It is an offence under Section 111 of the Crimes Act 1961 to make a false declaration where that declaration would amount to perjury if made on oath in a judicial proceeding.
5. Where I have answered in the affirmative to any statement below, I have attached all the relevant details in relation to the matter.

To complete this declaration – you must tick one of the options at the beginning of EACH of the following statements.

I SOLEMNLY DECLARE THAT TO THE BEST OF MY KNOWLEDGE:

I, and each person who is involved in the governance of the service

a	<input type="radio"/> have <input type="radio"/> do not have	any previous conviction for any offence
b	<input type="radio"/> have <input type="radio"/> do not have	any involvement in, or association with, an organisation that has been convicted of an offence



<b>c</b>	<input type="radio"/> have <input type="radio"/> do not have	any history of health conditions that may affect the individual's ability to comply with the <i>Education and Training Act 2020</i> (the Act), the <i>Education (Early Childhood Services) Regulations 2008</i> , and any regulations made under section 636 of the Act
<b>d</b>	<input type="radio"/> have <input type="radio"/> do not have	any property order or personal order under the <i>Protection of Personal and Property Rights Act 1988</i> to which the person is, or has been, subject
<b>e</b>	<input type="radio"/> have <input type="radio"/> do not have	any sum of money owed, or previously owed, to the Crown, including in respect of bodies that the individual has been involved in managing
<b>f</b>	<input type="radio"/> have <input type="radio"/> do not have	any adjudication of bankruptcy under the <i>Insolvency Act 2006</i> or the <i>Insolvency Act 1967</i>
<b>g</b>	<input type="radio"/> have <input type="radio"/> do not have	any prohibition on being a director or promoter of, or being concerned or taking part in the management of,— (i) a company under the <i>Companies Act 1993</i> ; or (ii) any other body corporate
<b>h</b>	<input type="radio"/> have <input type="radio"/> do not have	any current or previous role as a governing member of an entity or organisation that became insolvent, including being placed in liquidation, receivership, or voluntary administration
<b>i</b>	<input type="radio"/> have <input type="radio"/> do not have	any prohibition against acting as an employer or an officer of an employer under the <i>Employment Relations Act 2000</i> to which the individual is, or has been, subject
<b>j</b>	<input type="radio"/> have <input type="radio"/> do not have	any previous involvement in an early childhood service in respect of which— (i) an application for a licence was refused; or (ii) a licence was suspended or cancelled
<b>k</b>	<input type="radio"/> have <input type="radio"/> do not have	previous registration with the Teaching Council of Aotearoa New Zealand, and that registration was cancelled for any reason.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the *Oaths and Declarations Act 1957*.

**Do not complete the following section until you are in front of the authorised person witnessing your declaration. After the declaration is made and signed, there must not be any alterations. (Refer to section 13, note 2)**

**Signature of Applicant** \_\_\_\_\_

**Declared at** \_\_\_\_\_ **this** \_\_\_\_\_ **day of** \_\_\_\_\_.  
(insert town or city) (insert day, e.g. 21<sup>st</sup>) (insert month and year)

**Before** \_\_\_\_\_ **(Signature of person taking declaration)**  
(Justice of the Peace or other person authorised to take a Statutory Declaration)

\_\_\_\_\_ **(Full name of person taking declaration)**

\_\_\_\_\_ **(Capacity, eg Barrister, Justice of the Peace)**

**\*Service Provider** means each of the following:

- (a) in relation to an early childhood education and care centre, the body, agency, or person who or that operates the centre:
- (b) in relation to a hospital-based education and care service, the body, agency, or person who or that provides that education or care.

## PRIVACY STATEMENT

The personal information collected from you in relation to this statutory declaration is required by the Ministry of Education for the purpose of assessing your licence application in accordance with the requirements set out under regulations 6 and 7 of the *Education (Early Childhood Services) Regulations 2008*. This information will not be disclosed to any other person or agency unless it is authorised or required by law.

If there is information requested on this form that you do not want to provide, discuss your concerns with an appropriate Ministry of Education officer who can explain the consequences of not providing it.

The information provided will be held by the Ministry of Education office that manages your application and you have the right under the *Privacy Act 2020* to request access to and correction of this information.

## 12. Documentation Checklist

To assist you in preparing your application, the following checklist shows the documentation that may be required to be forwarded to your local office of the Ministry of Education to support your application for a licence amendment. The documentation required will depend on what aspects of your licence you are applying to amend. Regulation numbers refer to the *Education (Early Childhood Services) Regulations 2008* unless otherwise noted. If you have any questions, contact your local Ministry of Education office for assistance.

### Change of Service Provider

- 1) ☐ Certificate of incorporation as a company, charitable trust or incorporated society if applicable. (proposed service provider)
- 2) ☐ IRD notification of charitable tax status if applicable. (proposed service provider)
- 3) ☐ A list of names and roles of all persons to be involved in the governance of the service. *Reg. 6(3)(b)* (proposed service provider)
- 4) ☐ A completed RS2 funding form (if applicable) (proposed service provider)
- 5) ☐ Provide copies of completed safety checking records and results for newly appointed children's workers (within the last 12 months). *Criterion GMA7A* (current service provider)

### Change of Service Provider Contact Person

- 6) ☐ Evidence the service provider contact person resides locally e.g. copy of a utility bill, tenancy agreement (section 13, note 1) *Reg. 3*

### Change of Operating Conditions and/or Merge of Two or More Licences

- 7) ☐ Certified copies of early childhood qualifications of all persons responsible (and current first aid certificates) and those teachers included in the qualified teacher requirements if applicable. *Reg. 6(3)(a)*
- 8) ☐ Supervision plan which clearly indicates how staff will be deployed so that children are supervised at all times. Services are to provide evidence that adult: child ratios are maintained within the indoor/ outdoor areas, over staff breaks and any periods of administration (non-contact) *Reg. 6(3)(a)*
- 9) ☐ A completed RS2 funding form. **Note:** *This form needs to be supplied where you are applying to merge two or more licences and to confirm one nominated bank account number.*
- 10) ☐ Provide copies of completed safety checking records and results for all newly appointed children's workers (within the last 12 months). *Criterion GMA7A*

### Change in Building Structure, Layout or Use of Premises (including Merge of Two or More Licences and Permanent Relocation Due to Land Acquisition by the Crown)

- 11) ☐ Evidence that the premises comply with the Resource Management Act 1991 in respect of their use as a centre. *Reg. 9(1)(d)* For more information, see section 13, note 3 of this form.
- 12) ☐ Evidence that any building work undertaken complies with the Building Act 2004. For more information, see section 13, note 4 of this form.

- 13) ☐ A floor plan of buildings showing metric measurements and uses of each area.  
*For more information, see section 13, note 5 of this form*
- 14) ☐ A site plan of the entire premises showing metric measurements and uses of each area.  
*For more information, see section 13, note 5 of this form.*
- 15) ☐ Operative evacuation scheme for public safety, approved by the Fire and Emergency NZ.  
*Reg. 9(1)(c)*
- 16) ☐ Only if permanently relocating to new premises, evidence that the land the existing premises are situated on has been acquired by the Crown under Part 2 of the Public Works Act 1981 or Part 5 of the Urban Development Act 2020. *Reg. 33(7)*
- 17) ☐ Only if permanently relocating to new premises, a copy of a Health Report. *Reg. 9(2)*

### To be completed by Ministry of Education officers *only*

Date	<input type="radio"/> Complete	<input type="radio"/> Incomplete
<b>Service Provider Details</b>		
Service Provider Number (ECA number)	Licence number	
Effective Date ( <i>This is the day service will open</i> )	<input type="radio"/> Granted	<input type="radio"/> Declined

## 13. Information to Assist Applicants

### Note 1: Nominating a Service Provider Contact Person

The Education (Early Childhood Services) Regulations 2008 require a contact person to be nominated for each service for which a licence is sought, and this person's name is displayed on the certificate of licence. The service provider is legally responsible for meeting regulatory requirements, not the contact person. However, the contact person must:

- represent the service provider;
- be able to respond to the Ministry of Education as soon as practicable on any issue relating to licensing;
- have the authority to act on behalf of the service provider; and
- reside locally.

In relation to the last bullet point, a person will generally be considered to 'reside locally' if they live within the geographical boundaries serviced by the local Ministry of Education office. Contact your local Ministry of Education office to discuss further if you are unsure whether the contact person would meet this requirement.

## Note 2: Completing the Statutory Declaration

### Who can I get to sign my statutory declaration?

- Section 9 of the Oaths and Declarations Act 1957 lists those who are authorised to take a statutory declaration.
- You will need to sign the statutory declaration in front of the authorised person you have chosen. Please be aware that after the declaration is made and signed, there must not be any alterations.
- It is your responsibility to ensure that the person you select is authorised to witness your declaration.
- You should check that the person notes on the form, with their signature, their full name and the capacity under which they are signing the declaration, eg Justice of the Peace, barrister of the High Court.

### Who does the statutory declaration have to cover?

When the **service provider is made up of a group of people**, the statutory declaration needs to cover the officers of the organisation that has identified itself as the service provider. In most cases, the deed of incorporation for the legal entity will determine this. The following table outlines the most common scenarios for service providers.

If the service provider is...	Then the statutory declaration should cover ...
An incorporated society	the office holders (such as Secretary, Treasurer and President)
A trust board	the board members
A company	the company director(s)
An individual person (whether registered as a legal entity or not)	only that person
An unincorporated body	the people that identify themselves as being part of the governing body

### Is there any other matter that needs to be declared to the Secretary?

Regulation 7 of the Education (Early Childhood Services) Regulations 2008 enables the Secretary to require a statutory declaration for any other matter considered relevant. As per this regulation, the Secretary requires the applicant and those involved in the governance of the service to declare whether any governance members were previously registered with the Teaching Council of Aotearoa New Zealand, and that registration was cancelled for any reason.

### How do I get the information I need from the people covered by the statutory declaration?

As the person signing the statutory declaration, you must satisfy yourself that the information supplied is correct. How you collect this information from the other people covered by the statutory declaration is up to you and your organisation. There is a range of ways that this might be done, including:

Information gathered through your recruitment or election processes	Personal knowledge of the person
Verbal assurances	Written attestation
Seeking Police vets in relation to past convictions	Individual statutory declarations from each person covered (so that the statutory declaration to the Ministry of Education becomes a composite of individual declarations to the applicant)

### How do I decide how to respond to the statements on the statutory declaration?

- You must tick one of the options at the beginning of each statement.
- If the service provider is a group of people and an affirmative answer applies to one or more people you must answer in the affirmative on the statutory declaration.
- Most of the statements are relatively straightforward – people will know whether or not they have any convictions, adjudications of bankruptcy etc.
- The main exception will be statement (c) regarding health conditions. It is important to be clear about the difference between (1) a mental/physical condition that might prevent people from managing their role in complying with the conditions of a licence or obligations under the regulations and (2) any other condition that would not have this kind of impact. Relevant factors to consider might include, for example, health problems that require frequent hospitalisation or sick leave, or that might render a person unconscious or quickly incapacitated. Frequency and severity of those conditions might also be relevant.

### **What will the Ministry of Education do if I answer in the affirmative (ie 'have') on the statutory declaration?**

If you answer in the affirmative for any statements you must attach all relevant information in relation to the matter. Answering in the affirmative to any statement does not automatically exclude the service provider from being deemed fit and proper to hold a licence. Given the range of unique circumstances that may be identified, all decisions about whether or not to grant a licence are made on a case-by-case basis at the Secretary's discretion.

### **What do I need to do if something changes – e.g. the service provider changes, or people's circumstances change that make the statutory declaration incorrect?**

Regulation 35 of the Education (Early Childhood Services) Regulations 2008 requires that a service provider must notify the Ministry of Education as soon as practicable if any of the circumstances under (a) to (k) on the statutory declaration form have changed for any person who is covered by the statutory declaration. You do not need to notify the Ministry of Education every time someone new becomes part of the service provider UNLESS that person's circumstances make the information you have provided on the statutory declaration incorrect. Verbal or written advice of a change of circumstances will be accepted and a new statutory declaration will not be required.

The Ministry of Education will then review the new information and decide whether the service provider continues to be fit and proper to hold a licence. Given the range of unique circumstances that may be identified, all decisions are made on a case-by-case basis at the Secretary's discretion.

### **Note 3: Evidence of compliance with the Resource Management Act 1991**

1. For a new centre, or a centre that began operating after 1991, evidence of compliance with the Resource Management Act will consist of a copy of the centre's resource consent with any attached conditions.
2. For a centre that began operating before 1991, evidence of compliance with the Resource Management Act will consist of a letter from the Territorial Authority stating that the ECE centre has existing use rights under the Act. Contact your local Ministry of Education for further details.

### **Note 4: Evidence of compliance with the Building Act 2004**

1. In the case of a newly-built (or recently renovated/converted) premises, evidence of compliance with the *Building Act 2004* generally consists of:

- a code compliance certificate (issued under section 95 of the Act),
- a compliance schedule (issued under section 100 of the Act), if the premises require it.

If your premises also requires an annual building warrant of fitness (issued under section 108 of the Act), you do not need to send in a copy of this document – it will be sighted during the licensing assessment visit.

Note that in particular circumstances, a Certificate for Public Use (issued under section 363A of the Act) or a Certificate of Acceptance (issued under section 96 of the Act) may also be considered evidence of compliance. Contact your local Ministry of Education for further details.

2. In the case of premises built prior to 1992 that have not undergone any building work or alterations, evidence of compliance with the *Building Act 2004* can be established by providing evidence of the age of the building.

### **Note 5: Site Plan and Premises Definition**

#### **Site Plan**

To aid the assessment of your application indicate any defined activity space where appropriate (i.e. where your service has designated areas/spaces for the use of children of a specific age and/or number of children).

#### **Premises Definition**

In order to be granted one licence the premises must –

- be situated on a single site; and
- be for the exclusive use of the centre or hospital-based education and care service.

If the premises comprise of 2 or more components –

- each component must be immediately adjacent and connected to at least one other component; and
- children must have safe access to each component

In this regulation –

- component means any land or building that forms the part of the premises.
- premises means the premises from which the centre will operate, or from which the hospital-based education and care service will be provided.

## **Note 6: Sole Trader Declaration**

When the Data and Statistics Act 2022 came into force, the Ministry was no longer able to calculate and then release the equity index number from the IDI for non-public organisations to input into the funding calculations. In late August 2023, Parliament passed a change to the Education and Training Act 2020 that allows the Ministry to release this data. The term used in the legislation for releasing the equity index data is disclose.

For sole traders the equity index number is considered personal information, as it is information about an identifiable person (the sole trader). Therefore, the legislation requires the Ministry to obtain consent from sole traders to disclose the equity index number relating to the services they operate.

The information (i.e., your service's equity index number) we seek to release does not contain other personal information and is calculated based on the children attending your service at a service level. The privacy of the children and families using services is protected, as data in the Integrated Data Infrastructure is governed by robust confidentiality rules and is de-identified.

The legislation also authorises the Ministry to publish the equity index number for each service, which the Ministry does for the school's equity index. While we intend to provide each service with their number once calculated, decisions have yet to be made on publishing equity index numbers. Should the Ministry decide to publish equity index numbers, we will seek your permission separately.

In the event you do not agree to the index being released or withdraw your consent in the future, the Ministry will develop a bespoke equity index number for your service. This number may not accurately reflect the current circumstances of the children attending your service, which may affect your service's entitlement to equity funding.

Your consent will remain valid for the duration of your licence to operate your early childhood service. Should there be a change in ownership of your service to someone who intends to operate as a sole trader, the Ministry will seek a separate consent from the new owner when they apply for their licence.