



Briefing Note: Talking points for ECE Amendment Regulations, LEG Committee and Executive Council

To:	Hon Chris Hipkins, Minister of Education		
Date:	6 December	Priority:	Medium
Security Level:	In Confidence	METIS No:	1278874
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of paper

This paper provides talking points for the Cabinet paper *Education (Early Childhood Services) Amendment Regulations (No 2) 2021*, which will be considered by the Cabinet Legislation Committee will consider on 9 December 2021. It also provides talking points for when the Amendment Regulations are considered at Executive Council.

Proactive release

Agree that this briefing will be proactively released after the Amendment Regulations have been approved by Executive Council.

Agree / Disagree



Siobhan Murray
Senior Policy Manager
Te Puna Kaupapahere
06/12/2021

Hon Chris Hipkins
Minister of Education

___/___/___

Talking Points for Cabinet Legislation Committee: *Education (Early Childhood Services) Amendment Regulations (No 2) 2021*

Proposal

1. I am seeking Cabinet's agreement to submit the *Education (Early Childhood Services) Amendment Regulations (No 2) 2021* (the Amendment Regulations) to the Executive Council.

Consultation on draft regulations to require minimum percentages of qualified home-based educators

2. In June 2021, Cabinet agreed to issue drafting instructions and start public consultation on draft Amendment Regulations relating to home-based early childhood education services. These draft regulations were intended to give effect to previous Cabinet decisions to move to a qualified home-based educator workforce by 2025.
3. The draft Amendment Regulations:
 - create a requirement for educators in home-based ECE services to hold an approved ECE qualification
 - introduce requirements for unqualified educators to be training towards a required qualification for up to two years, or in an induction period of up to six months, from 1 January 2025
 - introduce minimum percentages of qualified educators that will apply to home-based services, which will progressively increase over the next four years until 1 January 2025, after which all educators must be either qualified or in training or in induction
 - setting parameters around how the minimum percentages of qualified educators will apply, by establishing a week-by-week basis for their application and certain restrictions on which educators can count
 - creating a requirement for home-based services to maintain a list of educators and evidence of their qualifications for each licence.

Minor changes are recommended based on consultation feedback

4. The Ministry of Education conducted public consultation on the draft Amendment Regulations from 27 August to 27 September 2021.
5. Consultation feedback was largely positive. I only consider it necessary to make the following minor amendments:
 - delaying the commencement date of the Amendment Regulations to 1 June 2022. This reflects the impact of COVID-19 on educators who are studying and would provide more time for service providers and educators to meet the minimum qualification requirements
 - recognising overseas ECE qualifications assessed by the New Zealand Qualifications Authority (NZQA) as comparable to an approved ECE qualification
 - providing educators actively studying towards a Level 7 ECE teaching qualification four years to complete the qualification

- using Swedish/standard rounding when applying the percentage-based qualification requirement
- amending the week-by-week approach of calculating percentage requirements to a monthly approach, so that educators can count towards the required percentage if they have provided education and care at least once a week or four days within each calendar month
- specifying that educators can count towards the percentage requirements on no more than one licence of a service provider over each calendar month.

Implementation

6. The Amendment Regulations will come into force on 1 June 2022.

Talking Points for Executive Council: *Education (Early Childhood Services) Amendment Regulations (No 2) 2021*

Proposal

1. I am seeking the Executive Council's approval to the *Education (Early Childhood Services) Amendment Regulations (No 2) 2021* (the Amendment Regulations).

Cabinet agreed to a qualified home-based ECE workforce

2. In 2018, the Government undertook the Review of Home-based Early Childhood Education. At the time, home-based educators did not need to hold any qualifications. To lift the quality of provision, Cabinet proposed requiring educators to hold a Level 4 ECE qualification.
3. Based on consultation feedback, Cabinet agreed to move towards a qualified home-based workforce, with minimum qualification requirements beginning to apply from 1 January 2022.

Consultation on draft regulations

4. In June 2021, Cabinet agreed to consult on draft Amendment Regulations to give effect to this change. Consultation ran from 27 August to 27 September 2021. The feedback was largely positive.
5. In response to feedback, implementation of the new requirements will be delayed to 1 June 2022. This is because COVID-19 has compromised some educators' ability to complete a relevant qualification.

The Amendment Regulations

6. The Amendment Regulations:
 - create a requirement for educators to hold an approved ECE qualification
 - introduce requirements for unqualified educators to be in training towards a required qualification for up to two years, or in an induction period of up to six months, from 1 January 2025
 - introduce minimum percentages of qualified educators, which will progressively increase over the next four years until 1 January 2025, after which all educators must be either qualified or in training or in induction
 - set parameters around how the minimum percentages of qualified educators will apply, by requiring qualified educators to count if they have provided education and care at least once a week or four days within each calendar month
 - create a requirement for home-based services to maintain a list of educators and evidence of their qualifications for each licence.

Implementation

7. The Amendment Regulations will come into force on 1 June 2022.