



Briefing Note: Meeting with Minister Sio ahead of meeting with ERO

To:	Hon Aupito William Sio, Associate Minister of Education		
Cc:	Hon Chris Hipkins, Minister of Education		
Date:	5 December 2022	Priority:	Low
Security Level:	In Confidence	METIS No:	1300330
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

1. This paper provides you with information prior to meeting with the Ministry of Education (the Ministry) representatives and the Education Review Office (ERO).
2. This paper includes advice on the ERO findings of four Pacific early learning services. It also summarises the effectiveness and suitability of the role of early learning advisors, funded specifically to support Pacific early learning governance and management.

Summary

3. The core role of the Ministry regional early learning advisors is to offer regulatory support and guidance to the sector. Professional development opportunities for early learning services are sourced through programmes like Strengthening Early Learning Opportunities (SELO). Budgets for SELO are held regionally and approved professional development providers can support early learning services to improve practice.
4. The Pacific early learning advisor (ELA) role is in place to specifically address the gap between the Ministry and the sector to facilitate good communication and positive working relationships. Pacific ELAs also support Pacific services to access Targeted Support for Pacific Learners and families' package and initiatives like the Pacific Innovation Fund (PEIF Bilingual).
5. The findings from ERO are not isolated to Pacific services. When ERO find a breach in the delivery or operation of a service, the current protocol is for ERO to inform the Ministry. At this point, the Ministry's regional advisors will investigate findings further and work with the services to address any concerns. A change of license status is not always necessary, as further evidence may meet the overall assessment of regulatory requirements.

*Why?
Not?*

Recommended Actions

The Ministry of Education recommends that you:

- a) **note** the contents of this briefing
- b) **agree** that the Ministry of Education release this briefing once it has been considered by you, and any information being redacted under the Official Information Act 1982.



Helen Hurst
Chief Operating Officer
Te Pae Aronui

05 / 12 / 2022

NOTED

AGREE / DISAGREE



Hon Aupito William Sio
Associate Minister of Education
(Pacific Peoples)

4/12/2022

Background

Targeted Support for Pacific Learners and families' package – Pacific early learning advisers

6. There was a void of any specific Pacific response or acknowledgement of the Action Plan for Pacific Peoples on frontline response and the present support to the Early Learning (EL) sector is restricted to compliance and licensing.
7. As part of the COVID-19 Response and Recovery Fund (CRRF) an operating contingency was established to provide targeted support for Pacific learners and families.
8. The Targeted Support for Pacific Learners and families package includes provision of professional learning and development (PLD), guidance and support through specialist advisors, to strengthen the governance and management of the Pacific early learning centres and meet their learning support needs.
9. The establishment of the Pacific early learning advisor (ELA) roles addressed the gap between the Ministry and the sector, facilitating better communications and the development of good working relationships.
10. The roles (seven regional advisers and one national learning support adviser) have enabled the targeted support to be easily accessed by Pacific early learning services. They have also provided direct links for the sector to request support, identify issues and seek information and advice regarding different aspects of EL operations.
11. The Pacific ELAs actively support Pacific early learning centres to access the targeted PLD and support. This includes access to external business advisors (within Pacific communities where possible) to provide more specialist governance and leadership support.
12. It can be challenging to source providers who can not only deliver PLD in the bespoke Pacific language and through the appropriate cultural lens, but also hold the expertise of the PLD or support needed.
13. There is a small network within the regions of capable providers who can deliver to services. These providers are predominantly based in Auckland. There has become a reliance on the Auckland Pacific ELA in providing support for other regions to expand their networks.
14. Information Update 1294819 provided on 8 September 2022 outlined the funding supporting the Pacific Learning Advisers to work effectively. We are confident that effective relationships have been established as our Pacific ELAs have become the first point of call to support Pacific services. The scope of the Pacific ELA role has broadened, alongside delivering targeted funding to Pacific centres, as they are also supporting the centres through any compliance and regulatory issues they are experiencing.
15. There are approximately 112 Pacific early learning services being supported by Pacific ELAs across Aotearoa.

Education Review Office's (ERO's) and Ministry of Education actions

16. Under the 2008 Regulatory Framework, ERO ask services, prior to any visit, to complete a 'Centre assurance statement and self-audit' checklist. This checklist outlines key legislation and documents a service must provide evidence of and adhere to.
17. When ERO find a breach in a services delivery or operation, the current protocol is for ERO to inform the Ministry. At this point the regional ELA linked to the service will investigate ERO findings further. A change of license status is not always necessary as evidence reviewed by the Ministry may meet the regulatory requirements or only require minor alterations to service policy/procedures.
18. The ERO findings for the four Pacific centres in question are issues not isolated to Pacific services alone. In the last 12 months, there has been an increase in the number of mainstream services where non-compliance has been identified by ERO. Most of the non-compliances identified are due to safety checks not being completed adequately which poses a high risk to children.

Education Review Office's (ERO's) concerns with compliance in four Pacific Early Learning services

9(2)(b)(ii)

19. 9(2)(b)(ii) is governed by a board of trustees and is on the school site of the 9(2)(b)(ii).
20. A qualified centre manager leads a team of four qualified teachers and one support teacher. Teachers reflect the diverse Pacific community.
21. The Ministry undertook a site assessment on 17 August 2022 in response to the ERO report.
22. During the onsite assessment, the service demonstrated that they have a written safety check procedure that meets the safety checking requirements of the Children's Act 2014.
23. Ministry staff provided guidance to the centre manager for collating safety check evidence. This was mitigated and evidence submitted the following day after the visit.
24. For the areas identified under health and safety and premises and facilities at the time of the Ministry licensing visit, the provider had already demonstrated compliance to ERO which is acknowledged in the report. During the licensing visit, the Ministry assessed the areas identified in the report and concluded that the centre was compliant.
25. In 2020, the Ministry provided SELO support to the service for curriculum and self-review.

9(2)(b)(ii)

26. 9(2)(b)(ii) is an immersion 9(2)(b)(ii) early learning service situated in the grounds of the 9(2)(b)(ii). A parent board provides governing oversight.
27. A centre manager leads a team of 9(2)(b) qualified staff and four support staff. All children attending are 9(2)(b)(ii).

28. The Ministry undertook a site assessment on 9 August 2022 in response to the ERO report. Safety checking processes were discussed and clarified to ensure all required steps were understood and applied appropriately.
29. All compliance with GMA7A and the Children's Act 2014 was completed within the allocated timeframe.
30. By 5 September 2022, ~~safety checking and police vetting~~ was received for ^{9(2)(b)(iii)} staff members, who were then reinstated, and the final amended sleeping policy was provided.
31. ^{9(2)(b)(ii)} have been regular participants in Ministry initiated engagements, and ^{9(2)(b)(ii)} around issues and challenges facing Pacific ELS. They have been active participants in PLD and practice networks to share insights and learn together.
32. ^{9(2)(b)(ii)} have been successful in this current financial year 2022-2023, to be funded to further extend opportunities for ^{9(2)(b)(ii)} to be used by children and families.

^{9(2)(b)(ii)}

33. A small community-based service that has provided early childhood education and care from a ^{9(2)(b)(ii)}. It operates from a purpose-built facility on the same site as ^{9(2)(b)(ii)} and is licensed to cater for 30 children.

34. The centre serves children and families who are ^{9(2)(b)(ii)} as well as children and families from other Pacific cultures. ^{9(2)(b)(ii)}

35. The service leader has been managing the service since the 1990's. The service's governance group has struggled to recruit members and has struggled financially, appearing on the Ministry's Operational Funding Risk Indicator tool within the top 10 services at highest risk of closing (between October 2021 - January 2022).

36. Prior to the ERO visit, service leaders had contracted a company in Australia to outsource completing safety checks (this is permitted within the regulations). It was later discovered that this was a pseudo company, however the service did not become aware of this until after the ERO visit.

37. An immediate risk was identified by ERO on 11 August 2022 due to insufficient evidence of a written procedure in place for safety checking all children's workers and a robust system in place for the recording of all safety checks and results (Reg 47/GMA7A).

38. We responded to ERO's concerns by visiting with the service on 12 August 2022. We confirmed that safety checking was incomplete, and that ^{9(2)(b)(iii)} staff members did not hold a current Police vet. We also identified 41 additional non-compliances and as a result, on 17 August 2022, we suspended the service's license. The Pacific ELA worked closely with the service, including funding independent support, to provide support to meet compliance. On 24 August 2022, the suspension was lifted as the service was compliant.

39. This service has not submitted audited financial accounts for 2020 or 2021. The Pacific ELA became aware of this and as a result organised for the Ministry to fund accounting support from November 2022 to support them with financial governance and management.

9(2)(b)(ii)

40. A small community-based service located on the 9(2)(b)(ii) n 9(2)(b)(ii) providing full day education and care for up to 30 children. It is governed by a management committee. 9(2)(b)(ii) underpin the centre's philosophy. The head teacher oversees daily operations and leads a team of 9(2)(b)(ii) staff, including 9(2)(b)(ii) registered teachers. Most children attending have 9(2)(b)(ii) 9(2)(b)(ii)
41. An unacceptable risk was identified by ERO on 10 November 2022 due to insufficient evidence of both a written procedure in place for safety checking all children's workers and a robust system for the recording of all safety checks and results (Reg 47/GMA7A). On 16 November 2022, we responded to ERO's concerns by visiting the service and assessing their compliance with the regulation. The advisor has been working closely with this service to meet compliance.
42. The service has struggled to recruit governance group members and struggled financially, appearing on the Ministry's Operational Funding Risk Indicator tool within the top 10 services at highest risk of closing (between October 2021 - January 2022).
43. This service has had two previous SELO contracts to support them with governance and management in 2021 - 2022. Service leaders attended a safety checking workshop specifically for Pacific early learning services on Wednesday, 25 May 2022.
44. We have also provided funding through the Pacific Innovation Fund to hire a professional facilitator to support them with governance and management and curriculum. This has been hugely beneficial to the service. The Pacific ELA has also brokered in other support such as 9(2)(b)(ii) who provided a health report in August 2022 identifying areas that could be strengthened for health and safety.

Call a meeting