



Briefing Note: Cabinet Social Wellbeing Committee consideration of Implementing Qualification Requirements for Home-based Early Childhood Educators

To:	Hon Chris Hipkins, Minister of Education		
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Purpose of Report

This Briefing Note provides you with talking points to assist you at the Cabinet Social Wellbeing Committee (SWC) on 2 June, where the Committee is considering your Cabinet paper titled: *Implementing Qualification Requirements for Home-based Early Childhood Educators*.

It also provides you with some indicative sector views and implementation considerations on progressively implementing minimum percentages of qualified educators for home-based ECE (Early Childhood Education) services [METIS 1255417 refers].

Summary

1. The Cabinet Social Wellbeing Committee (SWC) is considering your Cabinet paper: *Implementing Qualification Requirements for Home-based Early Childhood Educators*, on 2 June 2021.
2. The Cabinet paper seeks agreement to issue drafting instructions and undertake public consultation on changes to the Education (Early Childhood Services) Regulations 2008 (the Regulations), which set minimum qualification requirements and percentages for qualified educators per home-based ECE service.

Proactive Release

The Ministry recommends that this Briefing be proactively released to coincide with the the planned public consultation on draft regulations, as per your expectation that information be released as soon as possible. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Agree that this Briefing will be proactively released.

Agree / Disagree



John Brooker
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Education System Policy

27/05/2021

Hon Chris Hipkins
Minister of Education

____/____/____

Sector and implementation considerations

Indicative sector views

1. The Ministry established an approach to calculating percentages of educators as part of the first increase to the percentages of qualified educators for quality rate services in January 2021 [METIS 1249356 refers]. As of January, home-based services on the quality rate have faced a higher requirement for 30% of their educators to be qualified.
2. Compliance sampling for home-based services on the quality funding rate, alongside feedback from certain sector stakeholders, has raised some implementation concerns. These largely centre on additional compliance and whether children are likely to benefit from the higher qualification requirements Cabinet agreed to, following the 2018 Review of Home-based ECE [SWC-20-MIN-0078 refers].
3. The qualification requirements mean service growth could be slowed or limited by the number of qualified educators available. There may be an incentive to grow a service by approaching already qualified educators from other service providers. Anecdote suggests this behaviour increased following the first change to the quality funding rate. Concerns with educators moving between services were also raised during the March ECAC meeting. The Ministry expects these views to be raised as part of consultation on the implementation details for the new qualification requirements.

Implementation considerations

4. As detailed in the Cabinet paper, we propose measuring the percentage qualification requirements on a weekly basis to ensure educators are actively providing education and care, and to promote meaningful compliance. However, this means educator or child absences of more than a week may cause services to breach the qualification requirements.
5. Breaches could also arise at smaller services, as each educator carries more weight in their calculations. In practise, this could mean smaller services require a 'buffer' of educators in excess of the percentages to ensure compliance, potentially affecting the supply of home-based ECE. It may also mean some implementation details, like the requirement to 'round up' percentages of qualified educators, have a disproportionate impact. We plan to publicly consult on the proposed implementation details to understand sector views on these sorts of issues.
6. As outlined in the Cabinet paper, provisional licences are currently the key regulatory tool to deal with any non-compliance with the Regulations. The issuing of provisional licences can be resource and time intensive, and the Ministry anticipates potential additional resourcing implications with provisional licences relating to qualifications breaches during the transition. The Ministry is unsure on the additional compliance burden for service providers, and we will seek feedback on this as part of the consultation.

Annexes

Annex 1: Talking Points for Social Wellbeing Committee on 2 June.

Annex 2: Cabinet paper: Implementing Qualification Requirements for Home-based Early Childhood Educators.

Proactively Released

Annex 1: Talking Points for Social Wellbeing Committee on 2 June

Proposal to Cabinet

- I am seeking Cabinet's agreement to issue drafting instructions and undertake public consultation on regulatory changes that set minimum qualification requirements for educators in home-based ECE services.
- These proposed changes arose out of the Ministry of Education's 2018 Review of Home-based ECE, and were first considered by Cabinet in January 2019.

Cabinet has agreed to transition towards a qualified educator workforce

- Home-based ECE is delivered by educators working alone with up to four children per home. The educators are not currently required to hold a qualification.
- Last year, Cabinet agreed to phase in specific requirements that set percentages for qualified educators per home-based service. The percentages begin at 10% from 1 January 2022, rising to 80% by 1 January 2025. From 1 January 2025, educators who are not yet qualified must also be in training, for up to two years, or in an initial six-month induction period.
- At the time Cabinet also agreed to some details on what qualifications are acceptable for home-based educators. Generally, an acceptable qualification will be either a Level 4 or higher ECE qualification or an equivalent. Equivalent qualifications extend to 'grand-parented' Level 3 qualifications that must be completed by 1 January 2022.
- I am now proposing that acceptable qualifications must also be listed on the New Zealand Qualifications Framework, or recognised by the Teaching Council for the purposes of registration, in the case of primary and ECE teaching qualifications, **9(2)(f)(iv)** [REDACTED]
- I consider that recognition through the Qualifications Framework, the Teaching Council, [REDACTED] provides assurance that any programme of learning is quality assured and relevant to teaching in New Zealand. I also consider that this is consistent with the original policy approvals sought and agreed to by Cabinet.

Rationale for implementation of the percentages and potential impacts

- While Cabinet previously agreed to the percentages of qualified educators per home-based service, further implementation detail was required to support the changes.
- The details I propose are for the percentages be measured on a week-by-week (or Monday-Sunday), to minimise day-to-day variability created by educators' working patterns. While this allows educators who only work once per week to be counted, it also accounts for the difficulty that home-based services would have with more restrictive requirements.
- I also propose that educators only count on the first licence of one service provider that they work for each week, to minimise potential double counting.
- To ensure the percentage requirements are complied with, I also propose that home-based services are required to maintain *and* make available a list of educators and evidence of their qualifications.
- I consider that these implementation details are consistent with the original policy approvals that were sought and agreed to by Cabinet.

Consultation and communication

- A six-week public consultation is planned between August and September 2021.
- Because the proposal for educators to hold a Level 4 qualification was consulted on as part of the Ministry's 2018 Review of Home-based ECE, I propose that draft regulations be drafted and publicly consulted on.
- Accordingly, I ask that Cabinet authorise me to make decisions on any matters of detail that may arise during the drafting process without further reference to Cabinet, and approve the release of any consultation materials on these changes.
- I will seek Cabinet's agreement to the final amendment regulations at the conclusion of this process, and in advance of implementation.

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