



Education Report: Public consultation on tranche two of the Early Learning Regulatory Review

To:	Hon Chris Hipkins, Minister of Education		
Date:	2 August 2021	Priority:	High
Security Level:	In Confidence	METIS No:	1267141
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This paper seeks your agreement for agency and Ministerial consultation on the attached draft Cabinet paper and discussion documents for tranche two of the Early Learning Regulatory Review. We need your feedback by Friday 6 August.

Summary

- 1 The attached draft Cabinet paper seeks approval for public consultation for tranche two of the Early Learning Regulatory Review. If you agree, we will release this paper for agency and Ministerial consultation.
- 2 We have also attached the three draft discussion documents for the proposals in the Cabinet paper. These documents cover:
 - a. Annex 2: Implementing the new network management function for early learning services
 - b. Annex 3: Regulating for 80% qualified teachers and strengthening the person responsible requirement in teacher-led centres and hospital-based services
 - c. Annex 4: Strengthening the person responsible requirement for home-based early learning services.
- 3 We will provide you with a revised draft Cabinet paper and discussion documents by 18 August following combined consultation with agencies and your Ministerial colleagues. Final papers must be lodged on 19 August for consideration at Cabinet Social Wellbeing Committee on 25 August 2021.
- 4 Subject to Cabinet approval, public consultation will take place between 1 September and 13 October 2021 (six weeks).

Recommended Actions

The Ministry of Education recommends you:

- a. **provide** feedback on the draft Cabinet paper and associated draft discussion documents by Friday 6 August
- b. **agree** that the Ministry can release the attached draft Cabinet paper and all associated discussion documents for departmental and Ministerial consultation

Agree / Disagree

- c. **proactively release** this Education Report once any Cabinet decisions have been made.

Release/Not release


John Brooker
Group Manager
Education System Policy

02 / 08 / 2021

Hon Chris Hipkins
Minister of Education

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Background

1. The Ministry of Education is undertaking a comprehensive review of the early learning regulatory system. We have provided you with a draft Cabinet paper to seek Cabinet's approval to publicly consult on three discussion documents over a six-week public consultation period from 1 September to 13 October 2021. This relates to decisions you have made in the following key policy areas:
 - a. Implementation of the new network planning function [METIS 1255416 and 1265914 refer]
 - b. Regulating for 80% qualified teachers [METIS 1253466 refers]
 - c. Strengthening the person responsible requirement [METIS 1255415 refers].

Next Steps

2. Subject to your agreement, we will undertake departmental consultation on the draft Cabinet paper and discussion documents in parallel with Ministerial consultation between 9 and 13 August 2021. Following feedback, we will provide you with a final Cabinet paper for lodging on 19 August, and consideration at Cabinet Social Wellbeing Committee on 25 August. The timeline is outlined below.
3. We have amended the consultation timeframe that we advised our previous advice [METIS 1265914 refers]. We have extended the timeframe from 4 weeks to 6 weeks to enable more time for the sector to engage with the significant proposals being put forward. This reduces the time for analysis of feedback for the network planning to inform the Cabinet paper in December seeking drafting instructions.
4. There is timeline does not have room for slippage as it is driven by the implementation date for the network planning function of 1 August 2022.
5. Although the consultation timeframe has been increased, it is still relatively short for the complexity of some of the proposals. The sector may have difficulty engaging, particularly education and care services that are experiencing teacher supply challenges. We are intending to use a variety of media to engage the sector, and to run a limited number of face-to-face hui with Māori and Pacific providers, as these providers are more at risk of not meeting the 80% certificated teacher proposals.

Date	Activity
2 August	Draft Cabinet paper and discussion documents to MO
6 August	Feedback on draft Cabinet paper and discussion documents
9-13 August	Departmental and ministerial consultation
12 August	Regulatory Impact Statements provided to MO under the no surprises policy
18 August	Final Cabinet paper, discussion documents and regulatory impact statements provided to MO for lodging
19 August	Lodging
25 August	SWC
30 August	Cabinet
1 September	Consultation opens
13 October	Consultation closes

Annexes

- Annex 1: (Draft) Cabinet paper: Public Consultation on Tranche 2 of the Early Learning Regulatory Review
- Annex 2: Implementing the new network management function for early learning services
- Annex 3: Regulating for 80% qualified teachers and strengthening the person responsible requirement in teacher-led centres and hospital-based services
- Annex 4: Strengthening the person responsible requirement for home-based early learning services

Proactively Released