



Education Report: Consultation on regulations for home-based educator qualifications

To:	Hon Chris Hipkins, Minister of Education		
Date:	20 August 2021	Priority:	High
Security Level:	In Confidence	METIS No:	1267975
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

The purpose of this paper is for you to:

- **approve** the release of public consultation material and draft regulations for home-based educators arising from the Review of Home-based Early Childhood Education (ECE)
- 9(2)(f)(iv)
- **agree** to one of two new consultation timeframes, which reflect the delays caused during the drafting process and by the recent COVID-19 alert level change.

Summary

- 1 In June 2020, Cabinet agreed to the implementation of changes that arose from the 2018 Review of Home-based ECE [SWC-20-MIN-0078 refers]. The changes set minimum qualification requirements and percentages for qualified educators in home-based services.
- 2 In May 2021, we provided you with a Cabinet paper that sought agreement to issue drafting instructions to give effect to these changes and noted our intended consultation timeframe. You were also authorised to approve the release of public consultation materials relating to the draft regulations, and to make minor and technical decisions that may arise during the drafting process [SWC-21-MIN-0081 refers].
- 3 We are seeking your approval to begin consultation on 23 or 27 August. Consultation will be through a discussion document and an accompanying two-page summary document, based on the draft regulations (attached in order as Annexes 1, 2 and 3).

As part of consultation, we will seek written submissions and ask for sector feedback in an online survey.

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Recommended Actions

The Ministry of Education recommends you:

- a. **approve** the release of the attached discussion document, summary document, and draft consultation regulations, which will be used as the basis for public consultation. Note: the release will then be approved by the Ministry's Chief Legal Advisor.

Approved / Not approved

- b. **agree to:**

- a. a five-week public consultation period proposed to run from 23 August to 27 September (Ministry preferred option)

Agree / Disagree

- b. **OR** a four-week consultation from 27 August to 24 September.

Agree / Disagree

c.

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- d. **proactively release** this Education Report to coincide with the consultation between August and September 2021, with any information that may need to be withheld done so in line with the provisions of the Official Information Act 1982.

Release / Not release

John Brooker
Group Manager
Education System Policy

Hon Chris Hipkins
Minister of Education

20 / 08 / 2021

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Background

- 1 On 27 May 2021, we provided you with advice and a Cabinet paper that sought agreement for you to issue drafting instructions and authorise public consultation on regulatory changes for home-based ECE educators [SWC-21-MIN-0081 refers]. The changes set minimum qualification requirements and specific percentages for qualified educators in home-based services.
- 2 Cabinet first agreed to amend the Education (Early Childhood Services) Regulations 2008 (the Regulations) to give effect to these changes in June 2020 [SWC-20-MIN-0078 refers]. Subsequently, approval to issue drafting instructions was sought once further implementation detail was developed. The details that were developed covered what qualifications would be recognised, how the percentages would be measured, and associated record keeping [METIS 1249356 refers].

Public consultation

- 3 The Ministry has worked with the Parliamentary Counsel Office (PCO) to develop draft regulations to support the public consultation, based on the original policy approvals and drafting instructions agreed to by Cabinet [SWC-21-MIN--0078 and 0081 refers].
- 4 We have drafted a discussion document and an accompanying two-page summary document to support consultation on the draft regulations (attached as Annex 1 and 2). The discussion document informs and asks key questions on educator qualifications, calculation of the percentages, how these compare with the quality rate's requirements,¹ and on how record keeping requirements may change. The summary document also summarises these changes and has been translated into te reo Māori.
- 5 Due to the nature of these changes, consultation will be mainly aimed at the home-based ECE sector. We are also considering how we might undertake targeted engagement with Pacific providers and others, who may be most impacted by the changes. Consultation will largely be undertaken through online channels, including through an online survey based on the discussion document.

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¹ The quality rate has a separate but related set of educator qualification and percentage requirements provided for through the ECE Funding Handbook [3-B-4 Home-based ECE services](#).

² The requirements outlined in the draft regulations are for qualified educators to hold a Level 4 or higher ECE qualification, a Level 3 ECE qualification completed prior to 1 January 2021, Te Ara Tuarua (the level 5 kōhanga reo qualification) or higher, or a primary teaching qualification.

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Changes to the consultation timeframe

- 10 We originally planned for a six-week consultation between August and September this year [METIS 1260430 refers]. Due to delays during the drafting process, we now propose a five-week consultation beginning 23 August and ending 27 September. Alternatively, and due to recent events, we could proceed with a shorter four-week consultation beginning 27 August and ending 24 September.
- 11 Both timeframes should provide sufficient time for consultation, redrafting, and Cabinet agreement this year, in advance of the 1 January 2021 implementation date. Cabinet was informed of the original six-week consultation timeframe in a noting recommendation, but authorised you to approve the release of any public consultation material that is in keeping with Cabinet's decisions [SWC-21-MIN-0081 refers].

Next steps

- 12 If you approve the release of the public consultation material, the Ministry will begin consultation on the selected timeframe. We will provide you with further advice in October 2021 on any proposed changes as a result of consultation feedback.

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Annexes

Annex 1: Draft discussion document: Consultation on regulations for home-based educator qualifications.

Annex 2: Draft summary document: Consultation on regulations for home-based educator qualifications.

Annex 3: Draft Regulations – Education (Early Childhood Services) Amendment Regulations (No 2) 2021

Proactively Released