



# Minutes

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## Early Learning Regulatory Review Sector Advisory Group – 3<sup>rd</sup> meeting

<b>Date</b>	Wednesday 10 March 2021, 10.00am-11:30am
<b>Venue</b>	Zoom, Mātauranga House, 33 Bowen St., Wellington
<b>Chair</b>	John Brooker, Group Manager, Education System Policy
<b>Attendees (Ministry)</b>	Keith Newton, Group Manager, SE&S Group Manager Early Childhood Education Siobhan Murray, Senior Policy Manager, ECE Policy, ESP Elspeth Maxwell, Manager, ECE Operation Policy & Design, SE&S Megan Hutchison, Lead Adviser, SE&S ECE Operational Policy Design Sam Johnston, Senior Advisor, ECE Operation Policy Design, SE&S Kirsty Macdonald, Senior Policy Analyst, ECE Policy, ESP Jace Mowbray, Senior Policy Analyst, ECE Policy, ESP Thomas Osborne, Senior Adviser, SE&S ECE Operational Policy Design Faith Eccles, Graduate Policy Analyst, ECE Policy, ESP
<b>(Members)</b>	Sarah Alexander, CEO, ChildForum Catherine Bell, Senior Policy and Engagement Advisor, Te Rito Maioha Fiona Hughes, Deputy CEO, BestStart Educare Shelley Hughes, NZEI Jo Lambert, General Manager, Barnardos Emma Norrie, Area Manager, Evolve Education Group Peter Reynolds, CEO, Early Childhood Council Raewyn Overton-Stuart, Manager Director, PAUA Andrew Philipps, CEO, Provincial Education Arapera Royal Tangaere, Kaihere Kaupapa Kounga, Te Kōhanga Reo National Trust Thomas Tawhiri, General Manager, Playcentre Aotearoa Esther Tinirau, Te Kōhanga Reo Calmar Ulberg, CEO, Counties Manukau Kindergarten Association Cathy Wilson, Executive Officer, Montessori Aotearoa New Zealand Pauline Winter, General Manager, CEO Auckland Kindergarten Association Timothy Wong, CEO, Evolve Education Group
<b>(Secretariat)</b>	Bex Kidson, Graduate Policy Analyst, ECE Policy, ESP
<b>Apologies</b>	Jill Bond, CEO, New Zealand Kindertentens

*Note: These notes capture the themes of the discussion and key points made. They do not necessarily represent a shared view of the group and there may be differing perspectives on some points. They are not intended as comprehensive minutes of the meeting.*

Introduction
<ul style="list-style-type: none"> <li>• Karakia, welcome, introductions, and apologies.</li> <li>• Ministry outlined the meeting agenda – feedback from consultation, changes being considered for tranche one, what to expect for tranches two and three.</li> <li>• Ministry asked members for thoughts during the presentation on what is missing or what should be considered.</li> </ul>
Review proposals
<ul style="list-style-type: none"> <li>• Ministry highlighted that tranche one is focused on improvements to health and safety and clarifying some aspects of the current regulations.</li> <li>• Ministry explained that the proposals are ordered in the presentation based on the level of change to the proposals that is being considered based on feedback from consultation.</li> </ul> <p><i>Proposal 8 - Increasing the minimum room temperature from 16 degrees to 18 degrees Celsius</i></p> <ul style="list-style-type: none"> <li>• Question about how enforcement/assessment of temperature will intersect with indoor/outdoor mobility of children. Concern raised in relation to ERO mandates.             <ul style="list-style-type: none"> <li>○ Ministry responded that they have not been aware of this as an issue and will work with ERO as part of implementation.</li> </ul> </li> <li>• Concerns raised relating to:             <ul style="list-style-type: none"> <li>- assessment of temperature being ‘fair’ ie if a door had been recently opened</li> <li>- risk fingers getting caught in doors</li> <li>- higher temperatures require more power, especially to heat rooms with open doors.</li> </ul> </li> <li>• Regional consistency raised as a concern in terms of interpretation of regulations.</li> </ul> <p><i>Proposal 9 – Clarifying that the fee for a new licence is payable upon application and is non-refundable</i></p> <ul style="list-style-type: none"> <li>• Discussion of concerns relating regional interpretation and costs of reapplication.             <ul style="list-style-type: none"> <li>○ These instances would need to be assessed on a case-by-case basis as they will all be fact-specific.</li> </ul> </li> <li>• Question of whether there will be PLD for regional offices on applying regulations consistently.             <ul style="list-style-type: none"> <li>○ Ministry replied that regional offices will receive guidance. There is currently a national review process to help consistency across regions. Ministry asked for members to provide examples that they are concerned about so they can be investigated.</li> </ul> </li> </ul> <p><i>Proposal 10 – Consolidating existing person responsible requirements</i></p> <ul style="list-style-type: none"> <li>• Comment that the person responsible role requires skills beyond the pure teaching role, such as hazard checking.</li> <li>• Suggestion that the regulations for person responsible could be applied across all qualified teachers in the service and/or management.</li> <li>• Discussion about placement of the person responsible requirements in the Regulations.             <ul style="list-style-type: none"> <li>○ Parliamentary Council Office makes the call on where the wording sits in the Regulations.</li> </ul> </li> <li>• Question about PLD for early childhood teachers taking up the person responsible role</li> </ul>

- Clarification given that a person responsible needs to have an ECE or primary teaching qualification in education and care centres, and an ECE teaching qualification in home-based services.

*Proposal 7 – Clarifying the information used to assess an application for a probationary licence*

- No comments from the Group.

*Proposal 5 – Removing the 21-day minimum notice period for suspensions for change of control*

- Member commented that details of the changes should be explicit.

*Proposal 4 – Clarifying the provisions for licence amendments when the service provider changes*

- Member commented on the link to Network Planning and impacts on services across the country.
- Questions raised about maximum number of days needed for the Ministry to review applications.
  - Each case will be situation dependent. The aim is for 30 working days if possible, which may need to be extended where information is not provided, or an error needs to be rectified.

*Proposal 1 – Creating a cancellation pathway based on a service’s provisional licence history*

- Confirmation given that this will apply to specific centres rather than multiple sites owned by the same provider.
- Question of how long a service’s provisional licence history will be held as evidence.

*Proposal 2 – Issuing a provisional licence to carry out an investigation in the event of an incident involving a child*

- Discussion about the definition of a “serious injury.”
- Member commented about breaches by staff being linked to the service provider.
  - Response from the Ministry that service providers are ultimately responsible for their staff.

*Proposal 3 – Creating written directions for health and safety matters that require immediate attention*

- No comments from the Group

*Proposal 6 – Removing the 21-day minimum notice period for suspensions for not returning an invalid licence*

- No comments from the Group

*Proposal 11 – Amending the licensing criteria for philosophy statements, self-review and annual planning, requiring services to demonstrate regard for the Statement of National Education and Learning Priorities (NELP)*

- Discussion of the difference between “self-review” versus “internal evaluation”

**Discussion**

- Ministry asked members for further feedback in the next two weeks through the Regulatory Review mailbox.

- Question asked of the members how would be best for the Ministry to communicate. Discussion of Panui as an effective tool.
- Question posed to members about the Group as how best to engage with teachers and parents.
- Discussion about upcoming work in tranche two and three of the Review.
- Questions raised about what will be involved in network planning eg teachers, group sizes, structural change, resource consents. Comment about network sizing.
- Concern raised about teacher supply. Question about the regulatory environment. Related concerns with pay equity and recruitment.
- Ministry comment that Ministers will need to understand timing, funding, and practical barriers to change when making decisions.

Action items	Responsibility	Deadline
Send minutes to Members	Kirsty	ASAP
Members to provide suggestions on how the Ministry could best communicate the changes to the sector	Members	Ongoing
Members to provide feedback on the Review via <a href="mailto:Earlylearning.regulatoryreview@education.govt.nz">Earlylearning.regulatoryreview@education.govt.nz</a>	Members	26 March