



## Education Report: Network management implementation and policy for new regulations

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	10 February 2022	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1281395
<b>Drafter:</b>	Paul Scholey	<b>DDI:</b>	9(2)(a)
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<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of report

This paper seeks a discussion with you about the emerging risks associated with implementing network management in the current environment and two options for how these might be managed. This includes an option to extend the implementation date of network management from 1 August 2022 to 1 February 2023. Extending the date would require a change to the Education and Training Act 2020 (the Act) via the Education and Training Bill (no 2) currently before the Select Committee.

This paper also seeks your approval to consult on:

- policy proposals for new regulations for network management of licensed early childhood services
- a register of network management approvals and revocations that would not be specified in these regulations
- a definition of Māori immersion services (excluding kōhanga reo) to be exempt from network management.

Subject to your approval we also propose to inform the sector of your decision to exempt all kōhanga reo from network management.

### Summary

- 1 The Act introduced a new function, network management for licensed early childhood services that comes into force on 1 August 2022.

#### *Implementing network management on 1 August 2022*

- 2 The introduction of network management is one of the most significant changes for the early learning sector in over a decade. Earlier last year we felt confident that we had sufficient sector support for the 1 August 2022 implementation date, but the Ministry is no longer satisfied that this is the case.

- 3 Preparation has proved to be more complex than originally planned and presents additional challenges in the context of also responding to the evolving demands from COVID-19. The sector currently has very little time to engage with the development of National and Regional Statements and detailed regulations and, if needed, pivot their proposed service to respond to these.
- 4 We are raising this issue now because there is a limited window to change the implementation date that is set out in the Education and Training Act 2020.
- 5 We have identified two options to respond to these risks:
  - a. Option A – continue with implementation on 1 August 2022 with a phased introduction of Regional Statements. This could also include transitional provisions for a limited period to exempt new services delayed due to COVID-related impacts such as building supply shortages.
  - b. Option B – delay when network management comes into effect by six months to more fully address the sector's concerns about construction delays and capacity to engage with and respond to new changes given the evolving situation with COVID.

*Policy for new regulations and other matters*

- 6 This Education Report also seeks approval to consult on policy for new regulations, a register of network management approvals and revocations and a definition of Māori immersion services to be exempt from network management.
- 7 Note that the analysis in this paper, and its recommendations, assume that the changes set out in the Supplementary Order Paper on network management will be enacted.
- 8 We are proposing to consult the early learning sector in March/April 2022 on the following policy areas for new regulations:
  - a. Information required in applications for network management approval
  - b. Processing timeframes for the Secretary for Education and Minister of Education completing assessments and making decisions, as relevant
  - c. How official notice of network management approval will be given and its contents
  - d. Clear processes for:
    - i. The Secretary completing assessments of fit and proper status and financial viability
    - ii. Applying to amend the network management approval as anticipated by the legislation, such as the expiry date or conditions set.
- 9 In addition, we are proposing to consult on a register of network management approvals and revocations that would not be specified in these regulations.
- 10 Most of the proposed areas for consultation are administrative and intended to provide more detail and transparency to the sector about the process.
- 11 We have already consulted with the early learning sector on the proposed fees for network management in September/October 2021 which will also be included in the regulations.

*Exemption of Māori immersion services from network management*

- 12 You are aware that we are discussing with Te Kōhanga Reo National Trust and other Māori immersion services a proposal to exempt them from network management.

- 13 Te Kōhanga Reo National Trust would like to progress with the exemption, so we recommend you seek Cabinet approval to exempt them.
- 14 Te Kāhui o Te Puna Reo (a group of Māori immersion services) are supportive of the proposal to exempt them but have not been able to provide an agreed definition. To allow more time for engagement on the definition to occur we propose to consult on the definition alongside our consultation on policy for new regulations.
- 15 Subject to your decisions we will provide you with a draft Cabinet paper and short consultation document for Ministerial and agency consultation by 15 February 2022.

## Recommended actions

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The Ministry of Education recommends you:

- a. **agree** to either:
- Option A - continue with the 1 August 2022 implementation date as planned with 'fast-tracked' national and regional statements OR **Agree / Disagree**
  - Option B - seek Cabinet approval to extend the implementation date of network management from 1 August 2022 to 1 February 2023 (preferred option) **Agree / Disagree**
- b. If you prefer Option A above, **agree** to exempt new services in establishment from network management if they can demonstrate they have been disadvantaged due to COVID-19 or other exceptional circumstances beyond their control **Agree / Disagree**

## Policy required by regulations

- c. **agree** to publicly consult on the policy for new regulations for network management that are proposed to include:
- a. Information required in applications for network management approval
  - b. Processing timeframes for the Secretary for Education and Minister of Education completing assessments and making decisions, as relevant
  - c. How official notice of network management approval will be given and its contents
  - d. Clear processes for:
    - i. The Secretary completing assessments of fit and proper status and financial viability
    - ii. Applying to amend the network management approval as anticipated by the legislation, such as the expiry date or conditions set. **Agree / Disagree**
- d. **agree** that the information that will be required in applications for approval or amendment of approval (such as to conditions and extensions) will be set out in regulations **Agree / Disagree**

- e. **agree** that timeframes for decisions by the Secretary for Education and Minister of Education will be set out in regulations and will require:

- a. The Secretary to take all reasonably practicable steps to complete assessments of a complete application under section 18 of the Act within 30 working days.
- b. Subject to the Minister's ability to consider applications together, will require the Minister of Education to endeavour to issue a decision on network management approval within 30 working days after receiving assessments from the Secretary for Education.

**Agree / Disagree**

- f. **agree** that the Minister of Education endeavour to issue a decision on an amendment to network management approval within 30 working days

**Agree / Disagree**

- g. **agree** that the indicative timeframe for the Minister issuing a decision would not apply if more than one application is received for the same area or community group and the Minister wants to consider all completed applications at the same time

**Agree / Disagree**

- h. **agree** that the requirements of an official notice of network management approval would be set out in regulations and include matters such as service type, information about the applicant and proposed service

**Agree / Disagree**

- i. **agree** that any necessary network management approval process requirements not already specified in the legislation, or requiring further detail to support the legislation, should be set out in regulations, including how the Secretary will assess fit and proper status, such as by way of statutory declaration, and how an amendment to network management approval must be applied for

**Agree / Disagree**

#### **Policy requirements not required by regulations**

- j. **agree** to consult on a register of network management approvals and revocations

**Agree / Disagree**

- k. **agree** that all network management approvals would be listed on a dedicated network management Ministry of Education webpage. Approvals would indicate the applicant's name, proposed service type (including any special characteristics), service size and location (if known) and estimated date of establishment. This approval would remain on the webpage for as long as the approval is active.

**Agree / Disagree**

- l. **agree** all revocations of approval would be notified publicly on a dedicated network management Ministry of Education webpage until the period of approval expires including the primary reasons for revocation. The revocation would only be published after the period for appeal has expired.

**Agree / Disagree**

### Exemption of kōhanga reo and Māori immersion services

- m. **agree** to exempt from network management all kōhanga reo chartered to Te Kōhanga Reo National Trust

**Agree / Disagree**

- n. **agree** to consult with Māori immersion services on a definition of Māori immersion services (excluding kōhanga reo) to be exempt from network management.

**Agree / Disagree**

- o. **agree** this Education Report is released once the consultation document is released, 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**



Andy Jackson  
**Deputy Secretary**  
**Te Puna Kaupapahere**

11/02/2022



Hon Chris Hipkins  
**Minister of Education**

14/2/2022

## Background

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1. The Education and Training Act 2020 (the Act) introduced a new function, network management for licensed early childhood services. Network management comes into effect from 1 August 2022.
2. A Supplementary Order Paper (SOP) was released in December 2021 proposing amendments to the network management provisions of the Act (sections 17 and 18), which include the ability for the Minister to issue national and regional statements. The SOP is currently being considered by the Education and Workforce Select Committee and is due to be reported back in May 2022.
3. In June 2021, you agreed to create a separate set of regulations for network management [METIS 1255416 refers].
4. Once finalised, the overarching framework for network management will comprise:
  - a. the Act (final changes being progressed by the SOP)
  - b. National and Regional Statements (you are expected to receive advice on proposed government priorities later this month)
  - c. regulations for network management (this paper).
5. To give the sector as much notice as possible, the development of the national and regional statements and new regulations must be developed in parallel to the Select Committee process. Cabinet Office has confirmed that this is appropriate.

## Implementing network management on 1 August 2022

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6. There are several risks and issues emerging with implementing network management by 1 August 2022. We have developed two options to address these.
7. The introduction of network management is one of the most significant changes for the early learning sector in over a decade. Earlier last year we felt confident that we had sufficient sector support for the 1 August 2022 implementation date, but the Ministry is no longer satisfied that this is the case.
8. We are receiving feedback from the sector that they do not have adequate time to prepare for the implementation of network management. In some cases, we have received correspondence from advocates for proposed service providers who have been delayed in establishing their service ahead of network management coming into effect due to the impact of COVID-19 (particularly on the Auckland region) and are now facing delays in completing processes and obtaining building materials.
9. While we are applying additional resources to the preparation for network management, preparation has proved to be more complex than originally planned and presents additional challenges in the context of responding to the evolving demands from COVID-19. The sector currently has very little time to engage with the development of National and Regional Statements and detailed regulations and, if needed, pivot their proposed service to respond to these.
10. If the Ministry is not ready to implement the Secretary's functions within network management, and support the Minister in their decision-making function, the quality of decision-making will likely be affected. It may also temporarily affect the supply of new services, particularly in the areas where these are most needed.

11. We are raising this issue now because there is a limited window to change the implementation date that is set out in the Education and Training Act 2020. We could seek Cabinet approval to extend the date as part of the policy for new regulations and advise the Select Committee in the mid-March Departmental Report. If the Select Committee did not accept the change you could implement it via the Committee of the Whole House for the Education and Training Amendment Bill (No 2).

*The increased spread of Omicron is likely to affect our planned public consultation and significantly reduce the capacity of the sector and Ministry in the next few months*

12. The current timeline to achieve the 1 August 2022 date was largely developed before the Delta and Omicron outbreaks. In particular, it does not allow for the likelihood of any significant disruption to Ministry staffing in coming months.
13. To achieve the 1 August 2022 deadline we will need to consult with the sector from 7 March to 1 April for a period of four weeks only. This is the same time as the expected peak in Omicron. We anticipate that this is likely to significantly reduce the capacity and capability of the sector to engage with this consultation. Realistically we expect that the sector's main focus in the next two to three months at least will be on managing its way through the Omicron outbreak, and the health and wellbeing of children and their staff.

*Some new services will now be subject to network management that were not expecting to*

14. Some new services are particularly concerned that due to construction and consenting delays caused by the impact of COVID-19 and high demand for labour and building materials they will not be ready to apply for a licence before 1 August as originally planned and therefore be subject to network management. Many of these new services will have invested significant funding and time into their builds and face additional perceived uncertainty about whether they will be approved to apply for licence.
15. The Early Childhood Council has written to us indicating that numerous members are concerned about the existing lead-in time, and that if action is not taken to accommodate services with sunk costs it will "unreasonably impact on a few in a hugely significant manner".
16. On 8 February 2022 the Early Childhood Council released a survey to the early learning sector seeking views on how long it takes to establish a new service and what their confidence is in the Ministry of Education to regulate network management. It has also indicated that it is likely to make a submission to the Select Committee.

*We have identified two main options to respond to these risks and issues*

17. We have identified two options to respond to these risks:
  - a. Option A – continue with implementation on 1 August 2022 with a phased introduction of regional statements. This could also include transitional provisions for a limited period to exempt new services delayed due to COVID-related impacts such as building supply shortages.
  - b. Option B – delay when network management comes into effect by six months to more fully address the sector's concerns about construction delays and capacity to engage with and respond to new changes given the evolving situation with COVID-19.

*Option A – continue with implementation on 1 August 2022 with a phased introduction of regional statements starting with Auckland region*

18. Under Option A we would continue with the 1 August 2022 implementation date as set out in the Education and Training Act 2020. The timeframe for legislative and regulatory change is very tight but still possible. Under this option we would gear up our resourcing to manage the operationalisation of the new provisions (including anticipated changes contained in the supplementary order paper) and fast-track high level drafts of the national and regional statements to give the sector some more certainty about these sooner. Under this option we would deliver the National Statement and a Regional Statement for Auckland before 1 August 2022 but undertake a phased introduction of Regional Statements for other regions.
19. This option would not give the sector more time to engage in the process of developing comprehensive and detailed National and Regional Statements and draft regulations, or address concerns of new providers who expected to be ready to apply for a licence before 1 August but have experienced delays due to the exceptional circumstances of COVID-19 and other issues.
20. We could mitigate this option if you want to exempt certain services from network management for a defined period (eg six months), if they can demonstrate they have been disadvantaged due to COVID-19 or other exceptional circumstances beyond their control. Note that establishing clear criteria to define and assess a group of affected services who should benefit from a broader transitional provision would be challenging.

*Option B – delay when network management comes into effect (preferred option)*

21. Under Option B we would delay when network management comes into effect by amending the commencement date in the Education and Training Act 2020. We are proposing delaying until 1 February 2023 as we do not think a delay of less than six months (before 1 February 2023) will have a material impact on the construction and consenting delays and preparation risks we have identified. A shorter delay would increase the number and significance of risks.
22. Our intention under this option is still to scale up resourcing so we can deliver the requirements as early as possible for the sector to understand and engage with.
23. A longer timeframe for implementation will have the following benefits:
  - a. it will enable services facing genuine delays beyond their control to finalise their build and either:
    - i. complete the build and apply to be licensed before network management comes into effect; or
    - ii. understand network management requirements and adapt their proposed service to apply for network approval
  - b. it will provide services with more time to complete their build and apply to be licensed without the need for complex transitional arrangements that are likely to be difficult to define and manage
  - c. it will help retain the support of the sector for this significant change <sup>9(2)</sup>  
(f)
  - d. it will enable more time for the Ministry to consult the sector on the national and regional statements, regulations and detailed operational settings to help ensure a smoother implementation
  - e. it will be simple, clear and transparent for the sector
  - f. it will enable the Ministry more time to prepare for implementation of network management, taking into account the recent changes proposed in the SOP,



exemptions requested by Te Kōhanga Reo National Trust which will extend to Māori immersion services, and design and testing of operational policies and processes to ensure these are fit for purpose and do not impose unnecessary burdens on the sector.

*Oral briefing to the Education and Workforce Select Committee on 16 February 2022*

24. On 16 February 2022 you are presenting to the Education and Workforce Select Committee on the Education and Training Amendment Bill and the SOP covering network management. You are due to receive oral briefing material for the Select Committee on Friday 11 February. The current oral briefing material does not include any decisions you may make in relation to this paper. We will update the oral briefing material following decisions on this paper (if required).

9(2)(h)



We seek your agreement to consult on the policy for new regulations and other procedural matters

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27. This paper seeks your agreement to consult on:
- policy proposals for new regulations for network management of licensed early childhood services
  - several procedural matters that do not require regulations.
28. Each of our areas are set out in more detail below.
29. Note that the analysis in this paper, and its recommendations, assume that the changes set out in the SOP will be enacted.

## Policy for new regulations

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30. While the proposed SOP outlines specific processes for network management there are still some matters that should be covered by regulations to ensure that the relevant processes are clear and transparent. The matters are all very practical in nature and cover:
- a. Information required in applications for network approval
  - b. Processing timeframes for the Secretary for Education and Minister of Education completing assessments and making decisions, as relevant
  - c. How official notice of network management approval will be given and its contents
  - d. Clear processes for:
    - i. The Secretary completing assessments of fit and proper status and financial viability
    - ii. Applying to amend the network management approval as anticipated by the legislation, such as the expiry date or conditions set
31. These matters are set out in more detail below.

### Information required in applications

32. It is important the regulations provide an overview of all the information required in network management applications. This provides transparency to the sector.
33. We propose that applicants must complete a form provided by the Ministry of Education and must include:
- a. whether approval is sought to apply to operate a licensed:
    - i. early childhood education and care centre (centre); or
    - ii. home-based education and care service; or
    - iii. hospital-based education and care service.
  - b. information about the applicant
  - c. information about the proposed service
  - d. information that enables the Minister of Education and Secretary for Education to assess whether the service meets sections 17 and 18 of the Education Act, including any relationship with any National and Regional Statements issued.
34. A more detailed list of the information likely to be required is set out in Annex 1. All the above information is necessary to make an assessment of whether the application should be approved or declined. For example, the Minister of Education needs to understand the proposed type, location (confirmed or indicative) and size to understand whether the service is required within the early learning network.

### Processing timeframes for decisions by the Secretary and Minister of Education

35. It is important that applicants know how long a network management decision is likely to take so they can plan. The importance of processing timeframes was raised by many attendees at the public hui in October 2021.
36. Under the SOP, the Secretary will assess whether an applicant is “fit and proper” and assess its financial viability. The Secretary will then provide this assessment to the Minister, who will consider the entire application.

37. We propose that:
- a. The Secretary would be required to take all reasonably practicable steps to complete assessments of a complete application under section 18 of the Act within 30 working days.
  - b. Subject to the Minister's ability to consider applications together, the Minister of Education would be required to endeavour to issue a decision on network management approval within 30 working days after receiving assessments from the Secretary for Education.
38. The timeframe for each stage of the decision-making process would only start once the applicant has provided all the necessary information. If the Minister of Education or Secretary for Education requests more information for an application, the application will be considered incomplete until that information is provided by the applicant. Processing timeframes would not be met if delays by the applicant can impact on the time allocated for processing.
39. Under our proposals a decision on a network management application would be reasonably expected within 60 working days (generally 12 weeks).
40. The licensing regulations require the Secretary for Education to take all reasonably practicable steps to ensure a decision on a probationary licence is made within 30 working days. Given network management involves two stages, with the Secretary assessing fit and proper status and financial viability, and the Minister of Education making the overall decision on approval, we have proposed 30 working days as the indicative timeframe for each stage.
- a. The Secretary for Education timeframe anticipates 16 working days to assemble information and undertake analysis, seven working days for a final decision and seven working days to provide advice to the Minister of Education (in a briefing note or similar).
  - b. The Minister of Education's timeframe anticipates seven working days for the Minister's office to ensure the Minister has all the required information, 14 working days for the Minister to consider the advice and nine working days for a decision to be made and communicated back to the applicant.
41. As indicated above, the Minister's timeline for decision making would not apply if multiple applications are received for the same area, or for the same community, and the Minister wants to consider all completed applications at the same time. Applicants would be advised if their application processing timeframe is being impacted by other applications for the same area.
42. It is proposed that the regulations in response to an application to amend an approval (such as amendments to a condition or the expiry date as permitted by the legislation) would follow a similar approach. The Minister would endeavour to issue a decision within 30 working days, provided that all relevant information has been provided with the application.

## **Official notice of network management approval**

43. Applicants will need to receive an official notice of network management approval outlining all the relevant details of the approval.
44. We propose that an official notice of approval to an applicant would include the following information:
  - a. Service type (centre, home-based, or hospital-based service)
  - b. The applicant's name and contact details
  - c. A list of all governance members assessed as fit and proper (if the applicant is an entity)
  - d. A detailed description of the service proposed including any special characteristics of the proposed service, e.g., philosophy (if any)
  - e. The proposed location of the service
  - f. The proposed size of service
  - g. The date of issue
  - h. The date of approval
  - i. The date of expiry of network management approval
  - j. Any conditions and any associated dates to comply with those conditions
  - k. Any other relevant information, including expected date of establishment.
45. A network management approval will be a formal record, like a licence certificate is for licensing purposes. It is necessary that all this information is included in an official notice so the applicant is clear what approval has been provided and what requirements they must continue to meet.
46. Provision of the official notice will be part of the information requirements when the applicant subsequently applies for a license to operate at a Ministry of Education regional office.
47. If any changes are made to network management approval by the Minister of Education the notice would be reissued with the revised information, following an advisory to the applicant.

## **Processes**

### *The Secretary assessing fit and proper status and financial viability*

48. We propose that fit and proper status would be assessed using a statutory declaration by an applicant or each governance member (if the applicant is an entity).
49. One of our principles is to ensure consistency across licensing and network management where appropriate. Given network management and licensing involve the same fit and proper test we propose to assess the requirement in the same way.

### *Amendments to network management expiry date and conditions*

50. We propose that an applicant may seek an amendment to network management expiry date or conditions at any time before the approval expires. An amendment is not permissible to the proposed service type or applicant as these are key features in the original approval.
51. An applicant would be required to use an appropriate amendment form as provided by the Ministry of Education. A decision on any proposed amendments to approval (such as an extension to the expiry date) would also need to be made within 30 working days.

52. A proposed amendment may be declined by the Minister of Education.
53. Any approved amendments would result in a further approval notice being issued together with an amended approval notice, and any information listed online would be updated.

## **Fees**

54. We propose a one-off non-refundable fee of \$500 for network management that is payable on application. We publicly consulted on the \$500 fee during September – October 2021. Almost three-quarters of survey respondents (73%) agreed or strongly agreed with the proposed fee.
55. Amendments to network management approval or any conditions would not require any additional fees. Not charging for this service is consistent with licensing where providers are required to notify the Ministry of Education of any changes and are not charged for this amendment.

## **Register of network management approvals and revocations**

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56. We propose that all network management approvals would be listed on a dedicated network management Ministry of Education webpage alongside any National and Regional Statements. Approvals would indicate the applicant's name, proposed service type (including any special characteristics), service size and area, and estimated date of establishment. This approval would remain on the webpage for as long as the approval is active.
57. All revocations of approval would also be notified publicly until the period of approval expires, including the primary reasons for revocation. The revocation would only be published after the period for appeal has expired. If an approval is revoked, it would be recorded in a separate section of the website until the period of initial approval expires. The purpose of this is to ensure that future applicants are aware of a change in the future network.
58. Proactive release of information promotes good government, openness and transparency, and fosters public trust and confidence in the decision-making. It is important that new applicants are aware of any network management approvals as this will impact on future applications. Approvals of services in progress are just as important as understanding existing supply and demand. The rationale for providing the revocation details is to provide transparency around the decision-making for network management and to enable future applicants to see on what grounds approval has been revoked.
59. It is not possible to include all approvals in the National and Regional Statements as the statements will not be updated after each approval. We expect to provide you with more advice on the government priorities for the National and Regional Statements later this month.
60. We propose to not list declined network management applications.

## **Exemption of Māori immersion services from network management**

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61. You are aware that we are discussing with Te Kōhanga Reo National Trust and other Māori immersion services a proposal to exempt them from network management [METIS 1278579 refers]. Both you and the Associate Minister of Education (Māori Education) were supportive of an exemption.

62. Growing the supply of early learning services provided in te reo Māori is a key priority for government and a responsibility under the Treaty of Waitangi. The decision to exempt kōhanga reo and other Māori immersion services from network management is intended to reduce any future barriers to new services establishing that deliver early learning in te reo Māori.
63. Te Kōhanga Reo National Trust would like to progress with the exemption on the basis that we refer to kōhanga reo chartered to Te Kōhanga Reo National Trust. We recommend you seek Cabinet approval to exempt them and seek an amendment to the SOP and ETAB 2 via the Departmental Report. We would advise the sector in the consultation document of this decision but not seek feedback.
64. Te Kāhui o Te Puna Reo (a group of Māori immersion services) are supportive of the proposal to exempt them but have not been able to provide an agreed definition. To allow more time for engagement on the definition we propose to consult on the definition alongside our consultation on regulations. We will then need to include the agreed definition in a Supplementary Order Paper to the Bill during the Committee of the Whole House phase. The definition is likely to relate to the percentage of te reo Māori used in the service, for example more than 50% of the time or more than 80% of the time.

## Next steps

65. Subject to your agreement of the proposals in this paper, we will draft a Cabinet paper with a short consultation document for Ministerial and agency consultation.
66. We have developed the following timeline. This timeline does not have room for slippage as it is driven by finalising all policy and legislation before the planned implementation date of network management on 1 August 2022.
67. If you decide to extend the implementation date, we will consult with the sector for six to eight weeks rather than four weeks and supply you with an updated timeline. We would still seek to progress the legislative and regulatory aspects of network management swiftly to give the sector as much time as possible to prepare for implementation, and minimise uncertainty over changes.

Date	Activity
15–18 Feb 2022 (four days)	Departmental consultation and Ministerial consultation
23 February 2022	Revised papers to Minister to approve for lodging
24 February 2022	Paper lodged for SWC
2 March 2022	SWC
7 March 2022	Cabinet
7 March–1 April (four weeks)	Public consultation (on policy for new regulations and National and Regional Statements)
4–8 April (one week)	Analysis of submissions
11 April 2022	Draft Cabinet paper to Minister to approve for Departmental consultation
14 April 2022 (three days)	Minister provides feedback
14–20 April (note Easter is 15–18 April)	Departmental consultation and Ministerial consultation
21 April 2022	Revised papers to Minister to approve for lodging
21 April 2022	Paper lodged for SWC
27 April 2022	SWC
2 May 2022	Cabinet policy decisions and approval to issue drafting instructions for regulations.

## Annexes

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Annex 1: Outline of information likely to be required in applications

Proactively Released

## Annex 1: Outline of information likely to be required in applications

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The kind of information that would be required in an application would include:

### *Information about the applicant*

- The applicant's name and contact details (and list of governance members and contact details if the applicant is an entity).
- A nominated contact person.

### *Information about the proposed service*

- The proposed location of the service.
- The proposed size of service and operational hours.
- The proposed date the applicant intends to apply for a licence (which must be a date of 2 years or less).
- A detailed description of the service proposed including any special characteristics of the proposed service, e.g., philosophy (if any).
- Any affiliation to an existing licensed service; service provider, or other organisation (if any) – including all those of the governance members and if the applicant is an entity.

### *Information that enables the Minister of Education and Secretary for Education to assess whether the service meets sections 17 and 18 of the Education Act.*

- Any other information required under sections 17 and 18 of the Education and Training Act 2020, including:
  - i. A detailed description of the relevant attributes of the area to be served, including (without limitation) the demography of the area, the needs of the communities in the area, the needs of the children in the area, and the availability of licensed early childhood services in the area with different offerings
  - ii. How the proposed service gives effect to the National or Regional statements.
  - iii. Information to inform the fit and proper status assessment.
  - iv. Any financial information that demonstrates the applicant has either sufficient finances to establish the service and/or a business plan to show how sufficient finances will be attained to achieve licensing. Evidence may include an annual report or statements from appropriate financial institutions, and/or a business plan.
  - v. A list of services that the applicant has been in control of or had any role as governing member. The applicant would also need to provide the relevant years of the association.
  - vi. Information to inform the capability assessment.