Minutes

Early Learning Regulatory Review
Sector Advisory Group meeting

Date	Monday 29 August 2022, 2.00 – 3.00pm
Venue	Teams meeting
Chair	Paul Scholey, ECE Senior Policy Manager - MOE
Attendees (Ministry)	Natasha Kuka, Managing Principal Peter Mellor, Chief Policy Analyst Kahu Rapira-Davies, Graduate Policy Analyst Laurie Edwards, Communications Lead Alison Mai, Programme Manager Felix Mussell, Project Manager
(Members)	Catherine Bell, Senior Policy and Engagement Advisor Te Rito Maioha David Haynes (for Sarah Alexander) Fiona Hughes, Dep. CEO, BestStart Educare Simon Laube, CEO, Early Childhood Council Edmund Mah, General Manager, Evolve Education Group Cherie Marks, Te Kōhanga Reo National Trust Leanne Mortlock, CEO, Provincial Education Calmar Ulberg, CEO, Counties Manukau Kindergarten Association Shannon Walsh, NZEI Te Riu Roa (for Alannah Clark) Cathy Wilson, Chief Executive, Montessori Aotearoa New Zealand Pauline Winter, General Manager, Auckland Kindergartens Association
(Secretariat)	Clea Matthews, Policy Work Programme Manager
Apologies	Sarah Alexander, Chief Advisor, OECE; Susan Bailey, Principal Advisor, Playcentre; Jill Bond, CEO, New Zealand Kindergartens; Allanah Clark, Early Childhood Adviser, NZEI Te Riu Roa; Raewyn Overton-Stuart, Managing Director, PAUA; Arapera Royal Tangaere, Te Kōhanga Reo National Trust; Heather Taylor, General Manager, Barnardos

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.

Welcome and karakia

Overview and policy update

- The Education and Training Amendment Bill (No. 2) passed into law on 31 July and included the delay of network management implementation from 1 August 2022 to 1 February 2023

- The consultation report on the Government' priorities for national and regional statements and final policy for new regulations has been released

- The intention is to have the system and processes for network management application developed by November to allow time for the sector to get familiar ahead of applications opening on 1 February 2023

- The advisory group agreed to hold another two meetings before November to give further input on network management and help finalise processes and systems. The next meeting in late September would be for MoE to present and get feedback on more detailed operational processes, with a second meeting in October to review the near final system.

Presentation and discussion on implementation and operational aspects of network management

MOE presented a high-level overview.

Application process

- It will be a reasonably standard process focussed on establishing need and understanding the application requirements including documentation

- Applications will be via a new online system with a paper form also available for those with exemptions

- There will be information on the ministry website to support applicants as well as the opportunity to liaise with their local ministry offices

Assessment process

- There will be 7 assessment criteria for applications - see slide 7 of presentation

- The first two criteria (fit and proper and financial viability) will be assessed by the Secretary of Education, with advice provided to the Minister on the rest

- The 30-day turnaround time for the Secretary starts once a completed application is received. Once submitted to the Minister they also have a 30-day turnaround time.

- Decisions around fit and proper or an approval being declined by the Minister can be challenged by applicants

- Approvals and any revoked applications will be published on the ministry website

Statements

- Statements belong to the minister

- The information about supply and demand is still being progressed

   o We need to ensure that data from various sources is up to date, and we want to work with the sector on this

Internal readiness

- There is an internal multidisciplinary project team driving towards the 1 February go live date

- The application process won't open until the legislation goes live on 1 February 2023
- Regional ministry staff will receive training over the next few months to be able to support applicants

Services already underway

- Network management does not apply to complete applications submitted before the 1 February 2023

What happens post 1 February 2023

- As part of setting up a completely new function MoE wants to ensure continuous improvement based on feedback. This will include periodic updates to the statements as work in network management evolves

Questions/general discussion relating to the presentation

- Advisory Group members asked about the online tool which had been expected in August and was intended to give the sector visibility of network gaps. It would be useful to update the sector on this as many people still think they need to wait for the tool to get certainty around where the gaps are and that these will be determined by the Ministry
- Query from Advisory Group member around any opportunity for to access this tool or other information around where network management gaps are
    o Some services already using good info graphic tools, but some smaller services don't have that access
- MOE clarified that subject to Ministerial decisions, more information about the draft statements is expected to be available shortly
- MoE stated that to use ECE data as a factor in a tool more confidence is needed in the robustness of that data. MoE is working through the challenge to understand the complexity of what data can be used and how it can be presented but we can be sure there will be data (either Ministry source or pointing to external locations)
- MoE indicated there is also a longer-term piece of work around improving the quality and availability of ECE data
- MoE reminded that supply and demand is only one aspect of the assessment criteria
- Advisory Group member raised issue of ongoing lack of certainty for the sector which is causing tension especially for services that are already underway with no way of knowing if they will get network management approval
- Query from Advisory Group member around whether the priorities and assessment criteria are on the website

Action: Ministry team to ensure assessment criteria and any recently pro-actively released papers are on the website

- Advisory Group would like to see a prototype of the application form to give feedback on its accessibility and 'doability'
- Query from Advisory Group member around how to ensure that priority based gets delivered on - for example by the attachment of special conditions to a licence to reflect the conditions of network management
    o MoE Policy team confirmed that the intent is for the nature of the network management approval to carry through to licencing. The detail of how this will happen is currently being worked through

- Query from Advisory Group member around availability of any further details for dealing with the potential for multiple applications in the same locality. There is a risk that some people might abuse the process by trying to saturate an area to prevent other licensees. Ministry responded that the intent of the legislation is to take into account supply and demand

Action: Felix and Simon to follow up offline

- Query from Advisory Group member around the Hutt valley ECE centre (in a crown acquisition process) commented on in the house by the Minister. The six-month extension was good but still not long enough for some.

  - Concern expressed that Minister's decisions in the transitional period in the few cases of services caught between the two regimes might set a precedent for exceptions and special treatment. Ministry responded that there is ongoing work on this issue towards ensuring those services don't lose out

Next SAG meeting

- MoE proposed holding the next meeting after the Minister has provided feedback on the draft statements - likely the last week of September

Action: doodle poll be sent to group to get dates locked in

- Proposed topics for the next meeting

  - The group would like as much certainty as possible on the forms and processes that will be part of the application

  - Update on the services caught between the two regimes

- Ideally circulate in advance of meeting elements or material that we want the group to give feedback on

- Acknowledgement by Ministry that we don't have some of the clarity and specificity the group would want and are working towards that as hard as we can with the aim to provide more at the next meeting

- Please contact Paul or the earlylearning.regulatoryreview@education.govt.nz mailbox with any specific questions

End