Minutes

Early Learning Regulatory Review Sector Advisory Group meeting

Date	Thursday 29 September 2022, 1.00 – 3.30pm
Venue	Teams meeting
Chair	Paul Scholey, ECE Senior Policy Manager - MOE
(Members)	Susan Bailey, Principal Advisor, Playcentre Catherine Bell, Senior Policy and Engagement Advisor Te Rito Maioha Allanah Clark, Early Childhood Adviser, NZEI Te Riu Roa David Haynes (for Sarah Alexander) Fiona Hughes, Dep. CEO, BestStart Educare Simon Laube, CEO, Early Childhood Council Cherie Marks, Te Kōhanga Reo National Trust Leanne Mortlock, CEO, Provincial Education Toni Nealie (for Pauline Winter) Raewyn Overton-Stuart, Managing Director, PAUA Heather Taylor, General Manager, Barnardos; Cathy Wilson, Chief Executive, Montessori Aotearoa New Zealand Calmar Ulberg, CEO, Counties Manukau Kindergarten Association Matt Veal, General Manager, Evolve Education Group
Attendees (Ministry)	Laurie Edwards, Communications Lead Meg Jamieson, Senior Business Analyst Elspeth Maxwell, Manager ECE Operational Policy Design Alistair McLeod, Data Business Analyst, ECE Network Management Peter Mellor, Chief Policy Analyst Felix Mussell, Project Manager Kahu Rapira-Davies, Graduate Policy Analyst Hayley Robertson, Operational Policy Consultant
Secretariat	Clea Matthews, Policy Work Programme Manager
Apologies	Sarah Alexander, CEO, ChildForum; Jill Bond, CEO, New Zealand Kindergartens; Arapera Royal Tangaere, Te Kōhanga Reo National Trust; Pauline Winter, General Manager, Auckland Kindergartens Association

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

Policy update – upcoming regulations

MoE confirmed that, subject to final government approval, it is anticipated the new network approval regulations will be gazetted on 6 October 2022

Presentation and discussion on implementation and operational aspects of network management

MoE gave a presentation on different parts of network management and how this is being operationalised.

Draft Statement

- Draft approach provides a single national statement supported by regional data sheets and links to other data sources that allow applicants to investigate the area the proposed service will serve

- This approach to data will evolve as MoE tests what works and develops its understanding of the network and what is useful

- Assessment of supply, forecast growth, demand and need will use the best available information. This could come from the application, MoE held data or other publicly available data

- Standard data on demand would mostly be based on population as that's the data currently available but applicants can provide other information on demand

- Applicants will need to carefully consider the mix of governance skills they have

- Network management is separate to licencing. Licencing requirements will still need to be met once network management approval is granted

- A draft statement will be shared with the group in confidence for their review and feedback

Questions/general discussion relating to the presentation

- A group member expressed disappointment that there was nothing within the statement or priorities allowing for a variety of philosophies. MoE responded that this could be thought about in the context of the individual characteristics associated with service type

- The group agreed it's good to see this coming together but there's a lot to absorb

- A group member noted that the change to only releasing one national statement and not any regional statements is quite significant

- Group member raised it had been previously thought that MoE would provide specific data around sector analysis and an MoE view of network need. It now seems like the group could start to advise interested groups to have their own sector analysis ready

   o MoE confirmed there is an intent over time to having a more detailed and sophisticated view of the network and network need - the statement could also evolve based on the government of the day

   o MoE added that the application process is intended to allow the applicant to tell their story in their region and state their case for a proposed service

- Query about how well this process will deal with the problem of multiple services springing up in the same area. MOE believes it will, and especially as network management beds in and it gets better visibility of the network

- Query about any likely change to the status quo around licensing and whether new licences might be required for example where there is a significant change to the number of licenced attendees. MOE

clarified that amendments to existing licences don't trigger network management but will look further at this issue.

Action: Draft statement to be shared with advisory group for feedback by 5 October

Assessment process and criteria

Discussion around the examples of fit and proper and capability

- Fit and proper
    - the police vetting for this purpose is quite new and MoE is still working with police around that process
    - a group member asked how MoE will accurately identify all the people involved with the governance of a service, for example investors and complicated business interests and understand the distinction between governance and finance. MoE responded that a service will need to identify and name on the licence and approval all of the people involved and the ministry will provide guidance around this
    - Any issues around changes to governance is in the pre-approval process as there is already an existing process for changes once a service is licenced
- Capability
    - Applicants will need to describe their capability to deliver the proposed service at a governance level. This will include having the required governance capability to oversee any skills that are 'bought in'
    - MOE is still working through exactly how evidence of capability might be provided. More detailed information will be available on the website once the application process is live.
- Query about licensing history and how that might be a factor in application assessment. Concern expressed that MoE's current approach to move quickly to provisional licenses could be seen as a 'negative' pattern on a service's record
    - Group felt it would be helpful for the sector to know if it is worth challenging a provisional license decision if leaving it on their record could be damaging for future applications
    - MOE responded that consideration is being given to the treatment of licencing history and weighting of actions, for example whether to split out things relating directly to governance and children's well-being versus more procedural elements
    - MOE acknowledged the spectrum of these elements and confirmed there will be guidance around how they will be treated from a network approval point of view
- Query about another scenario of a provisional licence pending investigation where nothing had yet been proven and asked how this would be assessed under the network management application.
    - MOE confirmed it would want to wait until the outcome was known and that there will be flexibility around this

Application process - selected screenshots of the proposed application form were shared and discussed

- Standard online application process is being developed with (a paper process available as an exception)
    - A benefit of online process/form is that it allows auto-checking around the compulsory sections and completion

- Query if there is an intention to move towards an online licensing application process for Kōhanga as well

    - MOE confirmed that any current exemptions will stay in place

- A completeness check will be carried out once the application is received and any required information will be requested – there will be an SLA for this to take place (likely within one business day)

- 30-day ministry review period starts once the application is considered complete. If the application is received complete, then the 30-day period will begin on the received date rather than after the completion check is done.

Misc. items – appeals, notices of approval, publishing approvals, work in progress

- Conditions on approval can relate to a number of different elements eg. service type, governance such as specialist teachers, milestones such as new building dates. Where a particular element is integral to the network management application it can become a condition on the license

- Query around how to measure priorities for example Te Ao Māori and does how does this become a condition

    - MOE responded that this would likely be embodied in the approval and / or be turned into a milestone or condition at licencing. The details of this are still being worked through and the implementation team will discuss further with the group member offline

- Conditions is a complicated element that is still being worked on with more details to be shared when these were available

Next Steps

- A group member indicated that it would be helpful to know as a group what to do with their own stakeholders and that it would be useful to see a copy of the draft letter to new services before it gets sent

- A group member raised the suggestion of a webinar for new services who aren't in the sector yet as they may be missing out on ministry distributed updates such as the bulletin

    - Ministry responded that there is a draft communication plan in development and requested support from the group to test this collateral before sharing it with the sector

Action: Presentation, draft statement and draft letter to new services to be sent to the group today

Action: Draft engagement plan to be shared with the group in the next few days

Next steps for the advisory group

- Paul outlined that the recent focus of the advisory group had been on network management but as this moves into the implementation phase there will be more elements of the rest of tranche 2 of the regulatory review to be involved in. This includes strengthening the person responsible and regulating for 80% qualified teachers as well as early scoping on the tranche 3 workstreams

    - it would be good to discuss with the group what opportunities there are to tap into their expertise and knowledge effectively to help with policy decisions and development of other key pieces of work

- o tranche 2 and tranche 3 include some significant and complex pieces of work in the medium to long term. Work in the early learning action plan includes improving ratios which is a key priority in ELAP for the sector and the Minister, developing advice about group size (ELAP action 1.3), and taking a step back to look at the broader early learning regulatory system, and the regulations to make sure these are fit for purpose and cohesive given the other changes in the review.

- o The group is keen to be involved and have these discussions to try and ensure a system that encourages compliance and quality, rather than focusing on minimum standards.

- o the group raised that it's about children and getting quality every day.

- o another group member supported this opinion about compliance and raised a significant problem with health and safety. They suggested training sessions for services would be useful for example webinars or material that they could review and learn from in their own time, especially around persistent issues raised by ERO. They felt services need more help than just being put on provisional licences

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

End Meeting ended 2.20pm with a karakia