



# Minutes

## Early Learning Regulatory Review Sector Advisory Group meeting

<b>Date</b>	Friday 28 October 2022, 9.30am – 12pm
<b>Venue</b>	Teams meeting
<b>Chair</b>	Paul Scholey, ECE Senior Policy Manager - MOE
<b>Attendees (Members)</b>	<p>Susan Bailey, Principal Advisor, Playcentre</p> <p>Catherine Bell, Senior Policy and Engagement Advisor Te Rito Maioha</p> <p>Jill Bond, CEO, New Zealand Kindergartens</p> <p>David Haynes (for Sarah Alexander)</p> <p>Fiona Hughes, Dep. CEO, BestStart Educare</p> <p>Simon Laube, CEO, Early Childhood Council</p> <p>Cherie Marks, Te Kōhanga Reo National Trust</p> <p>Leanne Mortlock, CEO, Provincial Education</p> <p>Raewyn Overton-Stuart, Managing Director, PAUA</p> <p>Pravina Ram (for Calmar Ulberg)</p> <p>Karen Reynolds (for Heather Taylor),</p> <p>Matt Veal, General Manager, Evolve Education Group</p> <p>Shannon Walsh (for Allanah Clark)</p> <p>Pauline Winter, General Manager, Auckland Kindergartens Association</p>
<b>(Ministry)</b>	<p>Laurie Edwards, Communications Lead</p> <p>Meg Jamieson, Senior Business Analyst</p> <p>Hannah Jones, Trainer ECE Network Management</p> <p>Elsbeth Maxwell, Manager ECE Operational Policy Design</p> <p>Alistair McLeod, Data Business Analyst, ECE Network Management</p> <p>Peter Mellor, Chief Policy Analyst</p> <p>Felix Mussell, Project Manager</p> <p>Kahu Rapira-Davies, Policy Analyst</p> <p>Hayley Robertson, Operational Policy Consultant</p>
<b>(Secretariat)</b>	Clea Matthews, Policy Work Programme Manager
<b>Apologies</b>	<p>Sarah Alexander, CEO, ChildForum; Allanah Clark, Early Childhood Adviser, NZEI Te Riu Roa; Arapera Royal Tangaere, Te Kōhanga Reo National Trust; Heather Taylor, General Manager, Barnardos; Calmar Ulberg, CEO, Counties Manukau Kindergarten Association; Cathy Wilson, Chief Executive, Montessori Aotearoa New Zealand</p>

*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.*

<b>Welcome and karakia</b>
<b>Policy update</b>
<ul style="list-style-type: none"> <li>The new regulations have been approved and gazetted and are now in the public domain. This largely marks the end of the policy process with the work moving more intensely into the operationalisation phase</li> <li>Follow-on work is underway in three areas: <ol style="list-style-type: none"> <li>Crown acquisition of land occupied by licensed early childhood services – this was initially raised in relation to an existing service located in the area of the river link project in Lower Hutt which will require re-location of the service. The Minister wants to ensure that there is a reasonable process for this type of situation that does not add too much difficulty in terms of meeting requirements.</li> <li>ELAP action 5.2 to identify options to address supply for under-served communities an extension or follow on to network management. It would be valuable to get the groups input around how to take this forward.</li> <li>Evaluation, monitoring and reporting back to Cabinet in 2025</li> </ol> </li> </ul>
<b>Update and discussion on the National Statement and implementation of network management</b>
<p><b>National statement</b></p> <ul style="list-style-type: none"> <li>The Ministry thanked the group for the feedback received after the last meeting. Where possible this has been incorporated into the final draught which is now with the Minister for consideration</li> <li>Changes included simplification of terminology and clarification around service types</li> <li>As the changes were not major, the group has seen the substantive content which is now awaiting the Minister's consideration and approval following which the statement will be gazetted and announced</li> </ul> <p><i>Questions/discussion</i></p> <ul style="list-style-type: none"> <li>A group member queried how the data will be presented to the regions. The Ministry responded that high-level regional data will be included in the statement in the form of tables. High level information sheets and more detailed information will also be available via links on the website</li> <li>A group member asked how the statement intersects with any overarching plan for provision. The Ministry responded that initially this will be driven by applications but over time, the availability of more and better data will enable a more data-driven approach. The statement covers this in reasonable detail and the operational team also offered further offline discussion on this with the group member</li> </ul> <p><b>Application and assessment processes</b></p> <ul style="list-style-type: none"> <li>The intention is to share the online application form questions with the group when they are available which will definitely be ahead of the 1 February 2023 start date.</li> <li>The form requires both filling in fields and providing attachments. Applicants can log in and save an in-progress application, so they don't have to finish it all in one sitting.</li> <li>There will be a search function on the online form.</li> </ul>

- Four elements of the application were covered at the last meeting – ‘Fit and Proper’, ‘Capability’, ‘Statement’ and ‘Attributes of the Area’. Today will look at Licensing History and Financial Viability.
- Licensing History – an applicant can be an individual or an entity and will need to provide information on ownership or other previous involvement with other services as well as details on all individuals involved in governance of the proposed service. A template will be provided to support applicants.
- Financial viability - the Minister’s consideration of the overall application includes the Secretary of Education’s assessment of financial viability.
- A breakdown of estimated costs of establishment will need to be provided as well as evidence of access to or a credible plan to obtain the requisite funding to establish and run the service. This might include information on significant development, financial or legal milestones as a basis for any conditions and to allow tracking over the approximately three years of a build.

#### *Questions/discussion*

- Query from a group member on the status of ‘in-progress’ applications. The Ministry responded that if a completed licence application is submitted before 1 February 2023 there will be no requirement for network management approval even if the application is still being processed by 1 February.
- A follow-on query from a group member around acknowledgment of submission of completed licence applications which some ministry offices have indicated will not get processed before Christmas. While within the current system applicants do not always receive acknowledgement of a completed application, it would be reassuring during this transition time to get this prior to the 1 February 2023 deadline. The ministry responded that the licencing team is mindful of this and understand that there are systems in place to generate acknowledgement notices.

**Action: Elspeth to follow up with education managers to ensure that there is a license application acknowledgement system in place**

#### **Comms approach for next three months to support the sector**

- A new, more operationally focused webpage, including a network management mailbox, will be available from November, the ‘apply now’ button will not go live until 1 February 2023.
- From 1 February 2023 enquiries will be directed primarily to the relevant regional office. Before then the Ministry will be undertaking detailed training of the regional staff that will be involved in the network approval process
- As network management embeds MoE will keep the online content under review and update as necessary, taking account of feedback received.
- MoE thanked the group for its feedback to date on the draft comms plan and the animation script which has been very useful.
- Idea of online hui was well received as an opportunity for the sector to join an online forum and ask questions directly to the operational team
- MoE highlighted the need to especially focus on those services whose establishment is underway but will not be ready for licencing before 1 February 2023. A list has been compiled based on information from the regional offices and messaging will be directly targeted. MoE asked the group to help to spread the message to their members too.

#### *Questions/discussion*

- Query from group member on the staff training and whether there will be new staff brought on or existing staff to be trained up. MoE responded that some additional staff are being appointed to

support the network management function, although some regions plan to use existing staff. Training is being provided nationally. As part of the work to operationalise network management queries into the regulatory review mailbox about network management are being redirected and details about who to contact with queries has been updated in the web content,

**Action: Laurie to provide links to the website and other content to the group once available**

#### **Next steps in the Early Learning Regulatory Review and ongoing advisory group involvement**

- Network management has been a significant undertaking and the Ministry would like to acknowledge groups' input and influence in supporting the policy development and process. Other work on Tranche 2 continues and the government is still making decisions around 80% qualified and person responsible. It is anticipated that subject to those decisions work will progress on drafting regulations as well as running public consultation early in 2023 on these two work streams.
- Tranche 3 will include looking at two significant items, improving ratios and reviewing the regulatory system to ensure it is fit for purpose.
- It is well understood that improving ratios is a high priority for the sector and early work is underway to provide initial advice to the Minister on possible approaches to this.
- Given the changes in Tranches 1 and 2, and previous years, Tranche 3 is a good opportunity to step back and look at the regulations as a whole, particularly at their coherence, clarity and accessibility. and to make sand clarity. As part of regulatory changes to date, some small changes have already been made where possible, eg.to the home-based regulation 44
- Feedback to MoE has already highlighted areas of the regulations where further work is needed, as well as the other changes signalled in ELAP. MoE is keen to work with the group on further changes, including advice and help on which changes to prioritise. There is a long lead in time to changing the regulations (approximately 6 to 9 months minimum) and not everything can be done at once.
- MoE is also keen to hear from the group how it can and want to make the most difference in the next phase of the regulatory review.
- Other work planned includes the work to identify options to address undersupply (ELAP action 5.2), which is an extension of the new network management approach. Paul outlined how Ministers Sio and Davies have a strong interest in growing provision of Māori and Pacific immersion and bilingual services and enabling more tamariki and whānau to access these.
- MoE highly values the advice, guidance and input provided so far by the group, especially in the workshops on early thinking and network management and it would be helpful to run similar on new elements of the review especially around action 5.2 on undersupply and the ongoing implementation for 80% qualified and person responsible as well as the broader regulatory review and how we might tackle a rewrite of the regulations.

#### *Questions/general discussion*

- A group member queried how extensive the review of the regulatory system would be. The ministry responded that there are key principles in place around ensuring child at the centre and looking at the levers and how we can support the system as a whole but there is still a need for scope definition and understanding what it means as well as seeking the groups feedback around what could and should be done
- The group member responded positively to hearing that the Ministry is still open minded around tranche 3 and the potential for the scope to be wide-ranging. They wanted to know what the Ministry needs from the group at this point – is the time right yet for them to engage with their sector or are we waiting on a mandate from the Minister first. MoE responded that it is useful to

hear ideas and feedback from the sector to inform the Ministry advice to the Minister on potential scope,

- On ratios a group member noted that it would be good to have another detailed session preferably face to face and that improving ratios will be very challenging in the current context of the teacher shortages and pay parity which are seeing some centres worsen ratios and others review their operating models and increase. The member was concerned this might result in lessening access especially for the most disadvantaged children. Making progress on ELAP was noted as challenging, particularly when achieving some actions can create other issues.
- It was raised by a group member that given the time elapsed since the launch of ELAP it's potentially based on some outdated assumptions which should be tested to ensure they are still relevant. There is a need to understand the current state of ECE in New Zealand and if that has changed since the publication of ELAP. It would be helpful to get a bigger picture and not just be looking at the ELAP component by component.
- A group member expressed that many centres are currently in a state of focusing on day-to-day survival especially the disadvantaged services
- A group member informed that ERO, as part of their joint work programme with the Ministry on monitoring and evaluation, will be running a survey on the ELAP
- A group member suggested that this kind of robust discussion could be good for agenda of the next ECAC meeting in December as it fits in well around the overall ECE landscape
- A group member expressed a desire for the funding review of sector funding in its totality to be progressed as despite their best efforts there has been little traction. They felt that significant progress across the sector is unlikely by continuing on a component-by-component basis without an understanding of the totality of funding
- More than one group member supported the idea of meeting again in person and indicated that they would like for the group members to be able to bring back to the meetings ideas from their members and their services around particular pain points and issues with regulations to inform the ministry's direction of travel
- A group member queried if any kind of review of the licencing criteria would be included in the full review of regulation. The Ministry responded that this would depend on the scope of the rewrite/review of the regulations but would be likely.
- A group member expressed their thoughts that the Minister needs to decide the direction for the next stage to help focus the discussion, after which it could go to ECAC and then to the sector advisory group. This would be a clearer process to avoid going round in circles
- A group member indicated keenness to know the results of the ERO survey. They also thought it would be useful to get feedback from other groups within the sector for example teachers and referenced a suggestion at the last ECAC of setting up a teacher group which could be used for this. They also agreed with the idea that the pain points and issues coming directly from the services and members should
- There was also a group member query around how to get feedback from parents to which another group member indicated that the simplification of the funding model would probably be the dream for parents and the rest of the sector

**Action: Paul to follow up with Nancy around what plans there are for discussions at ECAC in December**

**Action: Paul to update the group on the ECAC agenda for December and timing for the next meeting of the group (ahead of that ECAC meeting or early next year - the end of January or early February)**

**Karakia whakamutunga and close**

- Please contact Paul or the [earlylearning.regulatoryreview@education.govt.nz](mailto:earlylearning.regulatoryreview@education.govt.nz) mailbox with any specific questions

**End** Meeting ended 10.40am