

# Minutes

## Early Learning Regulatory Review Advisory Group meeting

<b>Date</b>	Friday 27 January 2023, 10.00 – 11.30 am
<b>Venue</b>	Teams meeting
<b>Chair</b>	Paul Scholey, ECE Senior Policy Manager - MOE
<b>Attendees (Members)</b>	<p>Allanah Clark, Early Childhood Adviser, NZEI Te Riu Roa:</p> <p>Barry Sadlier, Evolve Education Group</p> <p>Calmar Ulberg, CEO, Counties Manukau Kindergarten Association;</p> <p>Catherine Bell, Senior Policy and Engagement Advisor Te Rito Maioha</p> <p>Cherie Marks, Te Kōhanga Reo National Trust</p> <p>Karen Reynolds, National Manager Design &amp; Advisory Services, Barnardos</p> <p>Leanne Mortlock, CEO, Provincial Education</p> <p>Matt Veal, General Manager, Evolve Education Group</p> <p>Pauline Winter, General Manager, Auckland Kindergartens Association</p> <p>Sarah Alexander, Chief Advisor, OECE</p> <p>Raewyn Overton-Stuart, Managing Director, PAUA</p> <p>Susan Bailey, Principal Advisor, Playcentre</p> <p>Simon Laube, CEO, Early Childhood Council</p>
<b>(Ministry)</b>	<p>Beth Vale, Senior Policy Analyst</p> <p>Francisca Knarston, Assistant Policy Analyst</p> <p>Isabel Warden, Assistant Policy Analyst</p> <p>Kahu Rapira-Davies, Policy Analyst</p> <p>Kelly Gardner, Project Coordinator</p> <p>Laurie Edwards, Communications Lead</p> <p>Peter Mellor, Chief Policy Analyst</p> <p>Veronica Adams, Senior Policy Analyst</p>
<b>(Secretariat)</b>	Rachael Kearns, Policy Work Project Co-ordinator
<b>Apologies</b>	<p>Cathy Wilson, Chief Executive, Montessori Aotearoa New Zealand</p> <p>Jill Bond, CEO, New Zealand Kindergartens</p> <p>Fiona Hughes, Dep. CEO, BestStart Educare</p> <p>Arapera Royal Tangaere, Te Kōhanga Reo National Trust;</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>Regulatory review: recap of 2022 work</b>
<p>Paul thanked the advisory group and noted their guidance on the design of Network Management as a priority action. The advice provided spanned policy and operational advice across the work programme and has been much appreciated.</p> <p>Key work to note:</p> <ul style="list-style-type: none"> <li>• Ministerial approval has been received to progress the changes to Regulation 33 – on the agenda for this meeting</li> <li>• Work on regulating for 80% qualified teachers has been progressing well after delays due to the covid lockdowns. In late 2022 a series of Talanoa for Pacific services were held nationally to discuss how the system can best support these services.</li> <li>• Additional tranche 2 proposals are underway - on the agenda for this meeting</li> </ul> <p>A group member requested a Network Management update especially around recruitment, police vetting etc.</p> <p>MoE responded that it is the policy team's understanding that implementation is in a good state of readiness with operational process, staff recruitment and training and technology all ready. Recruitment and training for new staff are well advanced. The implementation team have been working hard with the roll out even while the Ministry goes through a major restructure.</p>
<b>Outline regulatory work programme for 2023</b>
<p>Paul shared a high-level plan of the work programme noting that it is subject to change depending on the Minister's reset</p> <ul style="list-style-type: none"> <li>• Strengthening person responsible requirements and Regulating for 80% qualified teachers workstreams are progressing. Although the regulatory changes are scheduled for August, they won't necessarily come into effect for the sector at that time.</li> <li>• Qualification requirements and associated funding settings for Pacific bilingual/immersion services. As part of the network management changes there was an exception for these services. Exemption criteria are expected to be gazetted soon</li> <li>• Other T2 regulatory changes, and definition of locally based for person responsible is progressing as quickly as possible in the context of the length of time required for regulatory change</li> <li>• Network management – amending regulation 33 – consultation is under way on proposals to amend the licensing regulations to accommodate Crown acquisition of land and clarify the Secretary's ability to take network approval into account when assessing license amendment applications. We anticipate regulatory change in mid-2023, subject to Cabinet decisions</li> <li>• Early learning regulatory approach, including likely re-write of regulations - key stage will be to establish a group of experts, to take this multi-year work forward. Any regulatory change will come off the back of this work.</li> <li>• Identify options to address supply of early learning services in under-served communities - this was pitched as an extension to Network management with keen interest from Ministers with a view to growing the network and reducing equity barriers for Māori and Pacific.</li> </ul>

- Response to Dame Karen Poutasi report – improving child protection and safety – time and capacity will need to be found this year for the development of cross agency work to respond to recommendations from the enquiry
- Other regulatory changes – this is a placeholder to allow for arising issues, to be reviewed these later in the year.
- Ministerials - this is an ongoing and often resource heavy workload covering ad hoc queries, parliamentary questions, OIA requests and Media enquiries

There are opportunities to expand the input from the Advisory Group especially around engagement aimed at capturing the voices of kaiako, teachers, and parent.

### Discussion about Advisory Group's objectives for 2023

- A group member noted the purpose of the group should stay the same and encouraged the group to consider potential risks. They felt that the focus was often on the MoE work and activities with less time given to discussing alternative options or approaches, issues and risks. They would like to see earlier pre-drafting involvement of the group in options development.

MoE responded that the team would like to be a lot more proactive and have earlier engagement throughout the process

- Another member agreed with the first point and queried whether tranche 3 is still looking at first principles?

MoE confirmed that cohesion is a key focus with regulatory stewardship still lining up with tranche 3 work pending a strong mandate from Ministers as well as noting that it is useful to look at the broader work programme outside tranche 3, as there is a lot more work going on

### Scheduling the groups meetings.

- A group member raised the benefit of having a regular meeting date scheduled in advance.

Other members agreed but also acknowledged MoE's need to be responsive to the Minister and suggested a combination of both advance schedule and as-needed meetings

MoE agreed to schedule placeholders in diaries for a 1 ½ hour meeting approximately every six weeks on a Tuesday, Wednesday or Thursday with the option to be flexible as needed.

There was also a suggestion for the option of an in person meeting every quarter/six months

### Presentations on Consultations

*Additional Tranche 2 proposals and Defining 'locally based' for persons responsible in home-based education and care services*

Veronica presented on the current public consultations and the options and encouraged members to make submissions on behalf of their organisations.

Themes and issues raised during the presentation:

*Proposals 1-3: Allowing new conditions to be added to a provisional licence; Providing a definition of 'permanently ceased to operate'; Providing for temporary service closures*

- General support expressed.

- Suggestion to consider options to allow for unusual circumstances or discrepancies in notification timeframes such as temporary closure in cases of disaster events not requiring reapplication for a licence.
  - Suggestion to look at how MOE responded post the ChCh earthquake.
- With the addition of a provision for ‘temporary service closure’ the ‘permanently ceased to operate’ minimum period could reasonably be the lower option.
- One member questioned the scale of the issue, if a time limit is really necessary and the need for temporary closures.

The ministry responded that while they we do not have specific numbers, they understand that it is fairly common. Reasons a temporary closure might be needed include renovations and low teacher supply.

- Another member raised the option of dealing with closure in extenuating situations on a case-by-case basis.
- Another member offered an example where a service accepted a suspended licence where a temporary closure would have been more appropriate. They agreed that if a service is under investigation, they should not be able to apply for a temporary closure.
- Another query was raised around issues such as where a centre has a transitional plan e.g. for temporary relocation.

#### *Proposal 4: Defining locally based for persons responsible*

- A member was concerned about what it means to be on call for employment issues, what differentiates being on-call vs on duty and how to ensure staff are fairly compensated. They felt existing funding is inadequate for the required availability.
- Another member agreed that funding is the main struggle with any homebased services. They raised challenges such as needing a visiting teacher to cover lunchbreaks and proximity to Ministry offices. They thought it would make sense to be able to merge across some of the boundaries.
- Another member agreed on the funding issue but also felt this proposal is a ‘no brainer’ with reasonable travel needing to be defined for the person responsible, e.g. able to attend within the hour during operating hours.

#### *Amending regulation 33 – supporting network management*

Unfortunately, the scheduled meeting time ran out with insufficient time to discuss so Paul suggested scheduling an additional short meeting to cover this next week (week commencing 30 January)

#### **Next/future meetings**

- A regular 6 weekly meeting schedule will be developed
- Due to running out of time on the agenda, an extra 30 mins meeting for the Regs 33 consultation will be set up for next week – minutes included below

#### **Karakia whakamutunga and close**