

Minutes

Early Learning Regulatory Review Advisory Group meeting

Date	Thursday 25 May 2023, 10.00am – 11.30 am
Venue	Teams meeting
Chair	Paul Scholey, ECE Senior Policy Manager - MOE
Attendees (Members)	<p>Allanah Clark, Early Childhood Adviser, NZEI Te Riu Roa</p> <p>Catherine Bell, Senior Policy and Engagement Advisor, Te Rito Maioha</p> <p>Cathy Wilson, CEO, Montessori Aotearoa New Zealand</p> <p>Cherie Marks, Te Kōhanga Reo National Trust</p> <p>Fiona Hughes, Deputy CEO, BestStart Educare</p> <p>Karen Reynolds, National Manager Design & Advisory Services, Barnardos</p> <p>Leanne Mortlock, CEO, Provincial Education</p> <p>Pauline Winter, General Manager, Auckland Kindergartens Association</p> <p>Sarah Alexander, Chief Advisor, OECE</p> <p>Susan Bailey, Principal Advisor, Playcentre Aotearoa New Zealand</p> <p>Simon Laube, CEO, Early Childhood Council</p>
(Ministry)	<p>Dawn Leung-Wai, Chief Adviser</p> <p>Francisca Knarston, Assistant Policy Analyst</p> <p>Kahu Rapira-Davies, Policy Analyst</p> <p>Karen Quinn, Principal Advisor, ECE operational policy</p> <p>Kim Nathan, Senior Policy Analyst</p> <p>Laurie Edwards, Communications Lead</p> <p>Paul Scholey, Senior Policy Manager</p> <p>Peter Mellor, Chief Policy Analyst</p> <p>Shona Humphrey, Manager Early Learning Regulation</p>
(Secretariat)	Kelly Gardner, Policy Project Co-ordinator
Apologies	<p>Barry Sadlier, Evolve Education Group</p> <p>Christine Hall, Central Kids Early Learning</p> <p>Jill Bond, CEO, New Zealand Kindergartens Inc</p> <p>Raewyn Overton-Stuart, Managing Director, PAUA</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.

Welcome and karakia
ELAP action 1.3 – Terms of Reference
<p>A group member raised that they were disappointed that a discussion on the CEGAP Terms of Reference was on the agenda for this meeting when the Terms of Reference appeared to already be finalised.</p> <p>Kim replied that as no feedback was received on the draft Terms of Reference when this was circulated to members, this was finalised and distributed but added that the Terms of Reference is an evolving document and changes can still be made.</p> <p>Kim provided an update on ELAP 1.3, noting that since the last Advisory Group meeting the Ministry team sent out draft Terms of Reference for the Centre design, environmental factors and group size advisory panel (CEGAP). The Ministry team had not received any feedback yet but welcomed any comments from the group.</p> <p>A group member asked why a secondary advisory group is required for this work, as the Early Learning Regulatory Review advisory group seemed to be formed for the same purpose.</p> <p>Kim acknowledged the value of the Early Learning Regulatory Review Advisory Group in this area. She noted that additional specific technical knowledge is also required, particularly on environmental factors. The advisory panel will provide greater and more in-depth technical advice and also allow for advice from a range of perspectives which is beneficial to the work.</p> <p>Paul added that the reference to working with a range of experts is to pick up specialist, technical and cultural expertise which might be needed to support the ELAP 1.3 work, in collaboration with the Regulatory Review Advisory Group and other groups of interest within the sector. Paul added that he would be happy to have a further conversation on this separately with the member.</p> <p>Another group member raised that they understood the need for additional experts in this space, particularly regarding acoustics and ventilation, but it will be very important that there is a level of consensus among experts and peer review to ensure cohesion of advice.</p> <p>Kim replied that the Ministry have noted in the Terms of Reference that we anticipate differing views on matters and have included that the Ministry will encourage the panel to reach consensus views.</p> <p>A group member recommended that the Ministry think about how the CEGAP work feeds into the Early Learning Regulatory Review Advisory Group, to ensure that any advice is workable in a practical sense for ECE centres, and how the advisory group's expert advice can be tapped into when needed.</p> <p>Paul acknowledged these points and said that the Ministry team can think further about how differing views are managed in terms of the quality of the resulting guidance and also to ensure a robust and transparent process.</p> <p>One group member added that the role of the Chair will be vital to mediate various perspectives within the panel, because it will be a diverse group of experts with knowledge on varying subject matter. Because of this, the Chair will need to be an educator for the experts on practical matters. The member</p>

suggested that Ministry staff should consult with experts to pull together their advice and then bring that advice to the Early Learning Regulatory Review advisory group for discussion. The member also raised that there is no mention of payment for panel members. This is problematic as the intellectual work of the panel members organisation will then belong to the Ministry. The group member would like to see what products the Ministry is expecting to be produced from the meetings reflected in the Terms of Reference.

Kim advised that she has taken note of the points raised today and will come back to the group via email on these points for further discussion.

Paul expressed appreciation of the group's input to this and noted that the role of the Advisory Group is highly valued, in this and the other work being done.

A group member asked if the existence of the CEGAP along with the time it takes to put forward recommendations would mean that matters relevant to the Regulatory Review Advisory Group would not be actioned in terms of licensing changes. Group member discussed an example of when the minimum temperature was raised in relation to WHO recommendations which needed urgent attention. Group member expressed concern of CEGAP's potential to slow down urgent changes required in ECE centres.

Paul replied that the Ministry would need to look at urgent issues on a case by case basis.

A group member said that there should be something added into the CEGAP Terms of Reference to acknowledge points of difference in particular settings regarding whānau and mokopuna development, not just child development.

Another group member asked if the decision to establish a separate advisory panel for ELAP 1.3 would be reversed or if the panel could be constructed differently. Paul answered that it would not be reversed as this relates to the commitment in ELAP to work with a range of experts.

Another group member asked if it will be possible to see the advice that was provided to the Minister on establishing the CEGAP in advance. Paul answered that the briefing note is being proactively released and published on the Education website.

The group member also highlighted a current concern where large numbers of non-compliance issues are being found within services, and that a top priority of this group should be to address the underlying causes of this in the system. There is a need to design a framework that provides warnings to operators so that they don't get to the point of non-compliance. The member believes the current regulations don't help this. Paul indicated that tranche three of the review will take a deeper look at the overall regulatory system and also likely involve a rewrite of the regulations.

Proposed update to the Early Learning Regulatory Review Advisory Group Terms of Reference

Paul asked if the group would like to discuss any concerns regarding the proposed update to the Early Learning Regulatory Review Advisory Group Terms of Reference and noted the technical changes that have been made. Paul invited members to share ideas to ensure the document is fit for purpose.

A group member raised that they appreciate the leadership of the group. They noted that the purpose statement in the Terms of Reference says that the group is to provide advice on issues and opportunities in the Regulatory system, but they haven't found that this is reflective of the group's work. The member thought that the group's purpose has been to support the Ministry as work is carried out through tranches of the Regulatory Review. Another point raised was about the group being able to contribute their expertise, shifting from when the group was set up and the role of the members representing and bringing knowledge of different areas of the sector rather than expertise. The member also noted the section referring to the group's ability to access data and material before it is drawn up conceptually; in their experience that material has usually been presented to the group after it has been developed.

Paul raised that this group had a formative role in parts of the Network Management policy design. ELAP has been driving much of the regulatory work programme and affected how some policy has been developed. There is a greater opportunity for the Advisory Group to help inform and shape the next phase of work, as well as continuing to give feedback on policy development and implementation. Paul also acknowledged that the group members bring a high level of expertise from their knowledge of the sector.

The Ministry team will finalise and adopt the updated Terms of Reference, and post this on the Early Learning Regulatory Review web page.

Possible approaches to regulating for 80% qualified teachers

Paul invited the group to share their ideas on what would be manageable for the sector in relation to regulating for 80% qualified teachers and what approaches could be considered to strengthen equity and quality of ECE. It was noted that following the decision of the Minister to seek to slow down implementation to the next term of government, no further advice had been formed yet and this was the start of the Ministry's thinking about this. Paul asked what practical measures would help to make a difference for teacher supply and what would group members prioritise.

A group member asked if it would make sense to hold the consultation on the draft regulations after the general election. The member also asked if it would be better to establish if the funding model is going to change before engaging in consultation on 80% qualified.

Another group member stated that it is important that the work on 80% qualified continues to progress regardless of teacher supply. This should also consider the workforce strategy, but it should continue to move forward. An idea that was raised to ease the constraints of teacher supply would be to use third year teachers in training to a greater degree within services. The group member said that more should be done to attract greater numbers of students, such as extending fees free to all ECE ITE students or to pay off student loans after students graduate.

Another group member echoed the importance of work progressing for 80% qualified. The group member suggested implementing a partial step towards 80% qualified as soon as possible, at a level that is manageable for the sector. For example, there could be a requirement for the person responsible to be an ECE qualified teacher. Another possible change could be to implement a 50% qualified regulation in the short term before introducing 80% qualified.

Another group member noted that there is good intent behind regulating for 80% qualified teachers however it currently would be difficult for services to meet this due to existing challenges, such as teacher supply, proposed funding changes and the goal to reach collective pay rates for staff. There needs to be an effective long term workforce strategy in place to solve existing problems. The member noted that they would be happy to contribute to work on this to ensure a sustainable supply and suggested some ideas such as being able to count a teacher in training for funding purposes to make an immediate difference.

A group member supported the idea of counting teachers in training for funding and also proposed extending fees free to ITE students or recognising third year teachers in training for 80% qualified. The group member also suggested a bonding system that would mean teachers in training are able to access fees free on the condition that they become employed in a centre that is undersupplied.

Paul asked the group to consider the different workstreams that are flagged through the ELAP as being key goals for the next term of government, particularly improving ratios, increasing qualification requirements and group size and invited the group to share suggestions from their perspective on how the Ministry should move these pieces of work forward in a more connected and holistic way.

A group member said that regulations for 80% qualified teachers should be focused on before improving adult-child ratios. Though ratios are important, the quality of the workforce should be the priority.

Another group member raised that from a sector point of view, ratios are being put at risk with what the Ministry is proposing through the Pay Parity consultation. This is also impacted by the 20 hours of funded ECE for two-year-olds. The sector will always want to achieve better ratios; but it seems like a difficult time to look at this, considering what is being proposed through the Pay Parity consultation.

Paul thanked the group member for sharing their perspective and noted that it is useful for the Ministry to gain insight to this perspective to help inform advice to Ministers.

A group member noted that there is conflicting pressures happening within the sector and although the sector want to improve ratios, some of the proposals that the Ministry are putting forward are eroding the intentions in the sector. The sector is unable to focus on work such as ratios and regulating for 80% qualified teachers when there are other big changes being proposed, such as pay parity and funding for 20 hours ECE for two year olds.

Paul acknowledged the thoughts and suggestions raised and welcomed the group to continue to share ideas outside of this meeting, including how regulating for 80% qualified teachers could be made more manageable for the sector, given this is a key concern for the Minister and Ministry.

One of the group members acknowledged the complexities of managing this work and thanked the Ministry team for the work to date.

Next/future meetings and possible agenda items

Paul asked the group if there were any items that they would like to be added to the agenda for the next meeting on 13 July and invited group members to send through suggestions by email.

A group member shared an idea for the advisory group to have a separate conversation without Ministry participants, to discuss ideas on what they would like to achieve and what is feasible for services and to present this back to the Ministry.

Karakia whakamutunga and close