

Minutes

Early Learning Regulatory Review Advisory Group meeting

Date	Thursday 13 July 2023, 10.30am – 12.00 pm
Venue	Teams meeting
Chair	Paul Scholey, ECE Senior Policy Manager - MOE
Attendees (Members)	Barry Sadlier, Evolve Education Group Cathy Wilson, CEO, Montessori Aotearoa New Zealand Dianne Kabigting, Barnardos (for Karen Reynolds) Fiona Hughes, Deputy CEO, BestStart Educare Leanne Mortlock, CEO, Provincial Education Pauline Winter, General Manager, Auckland Kindergartens Association Sarah Alexander, Chief Advisor, OECE Simon Laube, CEO, Early Childhood Council Susan Bailey, Principal Advisor, Playcentre Aotearoa New Zealand
(Ministry)	Beth Vale, Senior Policy Analyst Chris Jamieson, Principal Adviser, Early Learning Operational Policy Elspeth Maxwell, Manager Early Learning Operational Policy Kim Nathan, Senior Policy Analyst Paul Scholey, Senior Policy Manager Peter Mellor, Chief Policy Analyst Shona Humphrey, Manager Early Learning Regulation
(Secretariat)	Kelly Gardner, Policy Project Co-ordinator
Apologies	Allanah Clark, Early Childhood Adviser, NZEI Te Riu Roa Catherine Bell, Senior Policy and Engagement Advisor, Te Rito Maioha Cherie Marks, Te Kōhanga Reo National Trust Christine Hall, Central Kids Early Learning Jill Bond, CEO, New Zealand Kindergartens Inc Karen Reynolds, National Manager Design & Advisory Services, Barnardos Raewyn Overton-Stuart, Managing Director, PAUA

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
Paul welcomed the group and opened with a karakia. A group member raised an error in the previous meeting minutes from 25 May. Paul replied that MoE will correct this and update the previous minutes.
Update on ECE policy regulatory work programme
<p>Paul presented an update on the high-level regulatory work programme that had been initially shared in the January Advisory Group meeting and discussed progress and changes that have been made to date. Paul outlined items that have been marked as complete and where timelines have been extended to show work that will be progressing in 2024 and 2025, noting that these items are subject to change depending on Ministerial decisions.</p> <p>Key work to note:</p> <ul style="list-style-type: none"> • Work on gazetting criteria for recognising Māori immersion services in relation to exemptions for network approval is complete. • The two main legislative changes have been strengthening the Person Responsible requirements and other tranche two regulatory changes, which went through public consultation in January 2023 and are progressing as expected. • The implementation of Network Management and changes to Regulation 33 is still progressing. <p>As many will know, some parts of the sector have asked for a full review of the ECE funding system. If this happened it might affect timeframes for some of these workstreams.</p> <p>Key priorities for this quarter have been to complete the current work in progress and start broader thinking on what the future work programme will be for next year.</p> <p><i>Group discussion</i></p> <p>A group member asked what the next steps are in relation to Regulation 33 and if this change is related to Network Management.</p> <p>Paul replied that this is to clarify that the Secretary for Education can take into account network provisions. It was also to give effect to situations where licenced services that have land acquired by the Crown would not be required to go through the network approval process. This is still going through the regulatory process and is in the pre-LEG committee stage.</p> <p>Another group member asked if there has been any feedback on the submissions made by the group or if it is likely that any feedback will be given. They also expressed concern that the feedback provided in the submissions may not be given due weight.</p> <p>Paul replied that this is still subject to the final decision-making process. The Ministry provides feedback to Ministers to consider in the final decision-making process. As this is still underway it is difficult for the Ministry to comment, however Paul said that we will provide feedback on the submissions as soon as possible.</p> <p>A group member expressed concern about the possibility of Network Management being expanded to apply to existing licences and asked for clarification on this. Paul confirmed that network approval is not being applied to existing licences. The Ministry would consider network implications when assessing applications to amend licences, for example if providers are seeking to increase licence size.</p>

The group member stated that they disagree with this and that this has not been allowed for in previous policy approvals.

Elsbeth commented that the Ministry is not looking at applying the network approval function across the existing network. In relation to amending licenses, the Ministry is looking at the impact on other surrounding services, with reference to a service increasing their numbers.

Paul offered to follow up with a couple of group members on this topic outside of the meeting.

A group member asked about the response to the Dame Karen Poutasi report and commented that it appears to be a long time before work in this area is underway from the work programme timeline.

Paul replied that this may be a labelling error on the work programme timeline. Work is underway in the Ministry responding to the report, including participating in cross-agency working groups considering mandatory reporting. MoE is also working with ERO to jointly design and administer a monitoring and review cycle for the implementation of child protection policies in early learning services (Recommendation 10).

Paul asked group members to contact him if they have any further questions that they would like to discuss outside of this meeting.

Update on ELAP 1.3 Centre design, environmental factors and group size

Kim provided an update on progress made regarding the Advisory Panel for ELAP 1.3, noting that the Advisory Panel is currently being set up to support the development of guidance in this area. A call for expressions of interest was sent out in June and there was a good response from diverse areas of the Early Learning sector. The Ministry team is now working through the selection process and are aiming to ensure that a wide range of expertise is utilised.

Kim clarified the Ministry view regarding the relationship between the ELAP 1.3 Advisory Panel, Regulatory Review Advisory Group and the Early Childhood Advisory Committee (ECAC). The role of the Regulatory Advisory Group will be to provide advice on the direction, sequencing, implementation, and prioritisation aspects of the ELAP 1.3 work.

Kim noted that at the last Advisory Group meeting, group members asked if there would be opportunity to review and provide feedback on work that is being produced by the ELAP 1.3 Panel and confirmed that the Ministry team will ensure there are opportunities for this to happen. The Ministry team will continue to have regular updates on ELAP 1.3 at Advisory Group meetings to provide a space for review and feedback and make draft outputs from the ELAP 1.3 Advisory Panel available to the Advisory Group for comment.

The ELAP 1.3 Advisory Panel will take an evidence-informed approach to each of the strands that relate to environmental factors, centre design and group size. The Panel will develop guidance for the content of the advice in each of these areas. The Ministry team sees that this will be an iterative process and so feedback from the Regulatory Review Advisory Group can be incorporated throughout the process.

ECAC will be kept informed of the overall progress as part of the wider reporting on the Early Learning Action Plan (ELAP). Kim noted that the differing roles of each group are likely to evolve over time, and the Ministry team sees this as being an inclusive and flexible approach to ensure that expertise and feedback across all groups is captured.

Paul asked the group if there is any other information that would be useful to know in this area and asked group members to contact the Ministry team if they have any suggestions.

Supporting quality ECE

Paul opened the discussion, noting that feedback received from the Advisory Group and ECAC has been to take a more connected approach to planned work on qualification requirements, ratios, group size and funding. Paul asked the group to consider what possible approaches could be taken for this work, which would be in the next term of government.

Current issues being faced by the sector have been ongoing teacher supply challenges, funding related issues and concerns of the impacts of these factors for ongoing viability, ratios and for children and the ECE workforce. The Ministry is also hearing concerns around affordability for parents and the impact this has on their ability to participate in the labour market. Paul acknowledged that there will be a range of views on options and priorities in the sector, and the Ministry is interested in hearing all these perspectives.

To provide further context to the conversation, in the 2021 consultation on qualification requirements, three options were put forward. The largest support of 46 percent was for option three:

- For each service to employ 80 percent qualified teachers – measured against minimum adult to child ratio requirements.
- For each service to maintain 50 percent qualified teachers in contact with children – measured against minimum adult to child ratio requirements when children attend.

Group discussion

A group member asked what reasoning the Minister gave for the decision to pause work towards 80 percent qualified teachers.

Paul replied that this decision was made in context of concerns in the sector around a large number of changes being introduced at the same time, the Pay Parity consultation taking place and ongoing concerns being raised in the sector on teacher supply.

A group member asked for clarification on whether implementation of 80 percent qualified teachers would apply to services that are not teacher-led. If quality is based on these factors, where does the curriculum sit and what is the measurement of quality.

Paul replied that the broader discussion is about how to support quality. Aspects that are discussed in ELAP focus on structural factors, such as group size, ratios, and qualifications, and acknowledged there is a much broader range of factors that support good outcomes.

A group member asked about the three options that were consulted on in 2021 and what conclusions the Ministry drew from this, and what was the Ministry's report on the consultation.

Paul replied that the results of the 2021 consultation are available online and that he would share the link to this information.

Sarah Alexander led the discussion on the agenda item she had asked for, starting with outlining some of the historic context on qualification requirements that has led to the current regulations in place and what next steps could be. Sarah highlighted some examples of how current regulations for 50 percent qualified teachers (based on total number of children that a centre is licenced for) can lead to a much lower number of ECE qualified teachers working with children in a practical sense. Sarah commented that previous governments have sought to lift qualification requirements but there has been a general lack of progress towards this over the years. Sarah suggested the Ministry put forward an interim plan to regulate for 50 percent ECE qualified teachers in contact with children at all times until regulations for 80

percent qualified teachers can be implemented and asked for Advisory Group members to provide their feedback on this idea.

Another group member replied that they would like to see the proposal in writing for further consideration and to share it more widely with the sector. They added that as funding bands are currently under review due to Pay Parity, it is difficult to ascertain how many centres would qualify for funding and so it is best to be cautious around this.

Another group member raised that for centres which struggle to meet current regulations of 50 percent qualified teachers, some have to rely on booking qualified reliever teachers to meet regulations. This has impacts on children and the group member questioned if this provides quality or positive impacts due to operational inconsistency.

Another group member raised that qualification levels that are achievable for centres in bigger cities may not be achievable in regional communities and commented on the need to address the teacher shortage in remote New Zealand. It may not be achievable for centres in smaller communities to reach qualification standards at all, and so there should be detailed research done on different geographic locations to understand impacts of implementing higher qualification standards in smaller regions.

Paul summarised the themes of the discussion and said when thinking about trying to take a more connected approach, he'd heard that workforce supply strategies are important to support higher qualification levels and recognise differences across the country. The reality of the regulations is that they are minimum requirements for everyone.

A group member noted that there needs to be a workforce supply strategy that delivers a sustainable workforce. The group member also supported the comments made regarding added difficulties for remote areas but noted that there are also difficulties faced by teachers in larger cities such as access to affordable housing. Greater consideration is needed to build a workforce strategy that the sector can have confidence in. Feedback from centres is that they are struggling with teacher supply, and these difficulties can't be resolved until there is a reliable workforce strategy.

Paul said that improving teacher pay is a central focus in trying to make teaching in ECE a more attractive and professional career pathway and acknowledged that working conditions are also important.

A group member stated that they see targeting 80 percent qualified teachers as part of trying to improve quality, but that this places too much focus on a number rather than an outcome. Trying to reach an 80 percent qualified workforce in an already stressed sector is going to exacerbate existing problems. Too much change that is unachievable is not going to produce quality ECE. The group member also noted that constraints of teacher supply issues need to be managed to build a strong foundation before regulating for higher qualification levels.

A group member noted that they had heard group members raise reasons against regulating for higher qualification levels and that more focus needs to be placed on the positive outcomes for implementing this. Regulating for 50 percent qualified teachers will be helpful for the workforce because it will provide incentive for teachers to become qualified and promote quality.

A group member supported the comments made about focusing on building a sustainable workforce before introducing targets that may be unachievable for the sector. The funding shortages in centres can't be underestimated and this means that centres would not meet qualification targets. The group member asked Paul about what work is being done on the workforce strategy as they are not confident that there is a workforce strategy in place for ECE.

<p>Paul acknowledged the group members' comments and concerns. Some work on ECE workforce is taking place, but more needs to be done and perhaps better consolidated and coordinated.</p> <p>The group member replied that it would be good for there to be an update on workforce at the next ECAC quarterly meeting.</p> <p>A group member added on the topic of teacher supply, the Ministry doesn't seem to share the same view as the sector in recognising that there is a teacher shortage. From their perspective, they see services are reducing their capacity so that they can operate lawfully with the number of teachers they have. Some centres are focusing on removing the under two provision due to higher ratio requirements. Centre managers are needing to step away from their roles to help to cover teaching roles that are short. This is a broader impact of the teacher shortage that leads to compliance issues because of lack of management.</p> <p>A group member raised that on the concept of 80 percent qualified teachers, all centres they know of that have been put on suspended licences have had 80 percent qualified teachers. The main problem seems to be the burn out faced by centre managers who don't have time to fulfil their roles due to covering teaching roles, not the level of qualified teachers.</p> <p>Another group member said there will be a trade-off between quality and cost, and acknowledged those who say that raising qualification requirements will improve quality. The group member said that all tamariki and whānau deserve quality ECE but acknowledged the serious teacher supply issue. Regulating for 80 percent qualified teachers would disproportionately impact on services who don't meet those criteria.</p>
<p>Next/future meetings and possible agenda items</p>
<p>Paul thanked the group for the rich discussion at this meeting and noted that it would be good to have further discussion on the balance between qualifications and ratios at the next meeting, which will be on 31 August.</p> <p>Paul summarised the key messages that came through from the group during the meeting, such as the importance of workforce supply and being aware of how implementing regulations such as 80 percent qualified teachers, though not a bad idea, could impact the sector - especially in the context of wider funding changes.</p>
<p>Karakia whakamutunga and close</p>
<p>Meeting closed at 12.03pm.</p>