Briefing Note: Adult-to-child ratios in the early learning sector

<table>
<thead>
<tr>
<th>To:</th>
<th>Hon Chris Hipkins, Minister of Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td>8 October 2019</td>
</tr>
<tr>
<td>Priority:</td>
<td>Low</td>
</tr>
<tr>
<td>Security Level:</td>
<td>In Confidence</td>
</tr>
<tr>
<td>METIS No:</td>
<td>1208408</td>
</tr>
<tr>
<td>Drafter:</td>
<td>Kathryn Burch</td>
</tr>
<tr>
<td>DDI:</td>
<td>04 463 7680</td>
</tr>
<tr>
<td>Key Contact:</td>
<td>Keith Newton</td>
</tr>
<tr>
<td>DDI:</td>
<td>9(2)(a)</td>
</tr>
<tr>
<td>Messaging seen by</td>
<td>Round Robin:</td>
</tr>
<tr>
<td>Communications team:</td>
<td>No</td>
</tr>
</tbody>
</table>

Purpose of Report

The purpose of this paper is for you to:

- **note** that Susan Bates, founder of Teachers Advocacy Group (TAG), has released a public statement calling for adult-to-child ratios in the early learning sector to be urgently addressed and making some misleading comments about current ratio requirements, and

- **note** that we will provide guidance about ratio requirements to Ministry early childhood licensing staff and the early learning sector in the October early learning bulletin, and

  Noted

- agree that this briefing will be proactively released.

Agree / Disagree

Katrina Casey
Deputy Secretary
Sector Enablement and Support

8/10/2019

Hon Chris Hipkins
Minister of Education

22/10/19
Background

1. On Monday 7 October 2019, Susan Bates released a public statement asking for adult-to-child ratios in the early learning sector to be urgently addressed.

2. In her statement, Ms Bates expresses concern that the Education (Early Childhood Services) Regulations 2008 allow early learning services to vary ratios between rooms and spaces within a licensed service to the extent that children may be at risk. She also alleges that Ministry officials have provided her with inconsistent information about the purpose and application of ratio requirements.

3. Ms Bates states that staff can be in meetings or off-site and still count towards ratios — this is incorrect. Further, she states that the specific regulation that sets out minimum standards for qualifications, ratios and service size has been “rendered obsolete” — again, this is incorrect.

4. The statement concludes by stating that you, as Minister, need to “radically improve the regulations in early childhood settings”, that the early learning strategic plan is currently under consideration, and that there needs to be an improvement in the “attitude and performance” of the public service.

Ms Bates’ and the Teachers Advocacy Group

5. Susan Bates is an early childhood teacher, advocate and researcher.

6. In 2016, Ms Bates founded the Teachers Advocacy Group (TAG). TAG is a Facebook-based public forum for teachers and adults who work in early learning. It has 2,900 followers via its Facebook group, and has organised informal meets around the country for teachers and adults who follow the page.

Ratio requirements

7. The regulations specify minimum adult-to-child ratios. The ratios vary depending on whether a service is sessional, all-day, caters for children under 2, 2 and over, or both age groups.

8. The regulations are explicit about how to count adults when applying ratios. An adult cannot be counted in ratios when they are at lunch, having a break, during non-contact time or if they are not actively supervising children.

9. The regulations do not specifically state whether ratios must be met across the service as a whole or within each room or space. It would be difficult to prescriptively regulate how supervision should work in every setting, as this needs to be specific to the premises and age and needs of children attending.

10. The Ministry’s position is that minimum ratios must be met across a licensed service as a whole at all times, and we do not assess for compliance at a room-by-room level.

11. However, while we recognise that ratios will vary between rooms and spaces during the day, the Ministry expects that children’s health, safety and well-being is a key consideration when services arrange rosters, deploy staff and make decisions about the extent to which children can move freely between rooms and indoor and outdoor spaces.
12. Individual services are expected to deploy staff in a way that ensures they can meet all regulations to maximise teaching and learning opportunities and manage supervision to ensure the safety and well-being of children attending. 

13. If the Ministry is not confident that the layout of the service enables adequate supervision then special conditions, such as specific supervision requirements, may be imposed. The Ministry may also direct a service provider to exceed ratio requirements if necessary due to the needs and ages of children or the design of the premises.

Key risks and next steps

14. There is a risk that people may believe that the content of Ms Bates’ public statement is accurate.

15. There is information about ratio requirements on our website. However, we will include guidance on ratio requirements in the October 2019 issue of He Pānui Kōhungahunga, our monthly bulletin sent to 6,900 subscribers including all early learning service providers.

16. We will also remind Ministry early childhood licensing staff of our position on ratios to ensure that we provide consistent external advice.

17. The draft strategic plan for early learning, He taonga te tamariki, includes the recommendation to regulate new adult-to-child ratios for infants and toddlers. The proposal in the draft plan is to increase the ratios of adults to children to 1:4 for children under 2 years old, and 1:5 for 2 year olds.

18. The final plan is due to be considered by Cabinet on 4 November 2019 [METIS 1207692 refers].

Proactive Release

19. We recommend that this briefing is proactively released as per your expectation that information be released as soon as possible. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.