



Education Report: Changing the Person Responsible regulations

To:	Hon Chris Hipkins, Minister of Education		
Date:	19 September 2019	Priority:	High
Security Level:	In Confidence	METIS No:	1205261
Drafter:	s 9(2)(a)	DDI:	s 9(2)(a)
Key Contact:		DDI:	
Messaging seen by Communications team:	No	Round Robin:	No

Purpose

This paper asks you to agree to the proposed options on changes to the person responsible requirements in teacher-led, centre-based services, the release of the discussion document in Annex 1, and agree to start consultation on 23 September 2019.

Recommended actions

The Ministry of Education recommends that you:

- a. **agree** to test two options to change the person responsible requirements in teacher-led, centre-based services:

- i. allow primary qualified teachers to be the person responsible during designated periods, such as the first and last 90 minutes of licensed daily hours
- Preferred option

Agree / Disagree

- ii. allow primary qualified teachers to be the person responsible at all times
- alternative option

Agree / Disagree

- b. **agree** to publish the 4-page discussion document for the proposed changes, attached as Annex 1

Agree / Disagree

- c. **agree** to the Ministry of Education's proposed communications plan

Agree / Disagree



Proactive release

d. **agree** that this report is proactively released



Damian Edwards
Associate Deputy Secretary
Education System Policy

19/9/2019

Agree / Disagree



Hon Chris Hipkins
Minister of Education

19/9/19

Background

1. The Education (Early Childhood Services) Regulations 2008 specify that only ECE qualified teachers can work as a person responsible in teacher-led, centre-based services.¹ However, since 2010, the ECE Funding Handbook has allowed certificated teachers with an ECE and primary teaching qualification to count as certificated teachers for funding purposes.
2. At the most recent Early Childhood Advisory Committee (ECAC) meeting, you announced your intention to allow primary qualified teachers to act as a person responsible for designated hours.
3. While public consultation is not required to make any changes to the Regulations, you chose to consult with the sector because it is expected to be a contentious issue.

Recognising primary qualified teachers as a person responsible

Discussion document on options

4. The proposals are for technical amendments to the Regulations aimed to ease pressure on teacher-led, centre-based services.
5. You directed Ministry officials to start work on allowing primary qualified teachers to act as persons responsible for designated hours at the beginning and end of licensed hours in teacher-led, centre-based services (METIS 1204300 refers).
6. The discussion document in Annex 1 provides background information on the person responsible requirements in teacher-led, centre-based services and lists the advantages and disadvantages of two options:
 - a. Option one: Allow primary qualified teachers to be the person responsible during designated periods, including the first and last 90 minutes of licensed daily hours
 - b. Option two: Allow primary qualified teachers to be the person responsible at all times.
7. Consulting on option one is still likely to result in feedback on option two. On this basis, we recommend asking for feedback on both options. We expect this would facilitate more in-depth discussion and enhance our understanding of what sector stakeholders think about the suitability of primary qualified teachers as persons responsible. If you would prefer to consult on option one only, we will amend the discussion document accordingly.
8. Based on feedback from your office, we have included an indication in the discussion document that option one is the government's preference (at paragraph 15 of the document).
9. Centres are required to have a minimum of 50% ECE qualified staff. To enable the person responsible change to have the desired effect, the 50% requirement may need to be amended to enable primary qualified teachers to be counted, either at designated hours or at all times.

¹ Education (Early Childhood Services) Regulations 2008, reg 3 and sch 1.

Consultation methods

10. The discussion document will be uploaded to the Early Learning Strategic Plan section of the Kōrero Mātauranga website. We expect that more sector stakeholders will find the document here than in the Legislation Consultation section of the Kōrero Mātauranga website. Stakeholders will have the choice of completing a short survey or writing to the Ministry via legislation.consultation@education.govt.nz or the Ministry's postal address.
11. The survey will ask a few preliminary questions to understand the submitters' backgrounds, such as whether they are a parent or a teacher.
12. As this is proposed to be a one-off technical change to the Regulations, the Ministry does not plan to hold any face-to-face consultation.

Communication channels

13. A communications plan is being developed to alert sector stakeholders about the proposed changes and how to provide feedback. There will be items available on:
 - a. the Education website (press release)
 - b. the September Early Learning Bulletin (23 September)
 - c. the second September School Bulletin (23 September)
 - d. the Education Gazette (14 October)
14. Each item will include a link to the discussion document, with instructions about how to provide feedback.
15. We will also email service providers and peak bodies via the Early Childhood Advisory Committee's email list.
16. We have already drafted key messages that can be used to answer frequently asked questions. These messages and the contact details of policy staff working on the person responsible changes will be circulated to regional offices.

Proposed timeframes

17. The consultation should run for a minimum of four weeks to provide sector stakeholders with a reasonable amount of time to consider the proposed changes and offer constructive feedback. The earliest we can start consultation is Monday 23 September 2019.

Annexes:

18. The draft discussion document on proposed changes to the person responsible requirements is attached in Annex 1.