

**Date 30 August 2024**

## Consultation on the Early Childhood Regulations

We are pleased to provide comment to the Ministry for Regulation on the Early Childhood Regulations.

### **About Te Rito Maioha Early Childhood New Zealand**

Te Rito Maioha Early Childhood New Zealand (Te Rito Maioha) is an Incorporated Society of members committed to high quality early childhood education for every child. Established in 1963, the organisation is an influential leader in shaping today's early childhood sector through advocacy, policy, tertiary education qualifications and professional development programmes.

We advocate for early childhood education services and the teachers|kaiako who provide education to thousands of infants, toddlers, and children|tamariki. Our members are drawn from a diverse range of community-based, privately-owned, kindergarten and homebased early childhood education services.

Te Rito Maioha is also a registered Private Training Establishment (PTE) with the highest Category One rating for a tertiary provider. We are accredited and approved by New Zealand Qualifications Authority (NZQA) to deliver a range of undergraduate, graduate, and postgraduate qualifications (levels 4-9), including specialist teacher|kaiako education, both nationally and internationally.

We are committed to achieving high-quality teaching and learning by:

- increasing teachers' |kaiako knowledge of Te Tiriti o Waitangi and Aotearoa New Zealand's dual cultural heritage;
- providing access to online blended delivery of undergraduate, graduate, and postgraduate tertiary education programmes leading to recognised and approved qualifications;
- promoting quality teaching and leadership through ongoing professional learning and development programmes;
- providing a range of unique resources and services to our members.

Our submission is crafted around the questionnaire for peak bodies.

### Current Government requirements – what is working well?

#### **Curriculum**

Te Whāriki being the early childhood education curriculum ensures quality ECE provision across the sector is delivered, certifying teachers|kaiako cover critical learning or development areas, providing pedagogical strategies to enhance children|tamariki learning and well-being. This well renowned curriculum also grows parents' understanding of their child's development

The curriculum criteria are well thought through and the latest guidance that was released by the Ministry of Education in May/June 2024 is thorough and clear.

#### **Health and Safety**

Many of the health and safety requirements require either record keeping or procedures that need to be displayed. With many centres using contract/relief teacher|kaiako, displaying procedures makes it clear for those staff to know what is required in the centre. Record keeping of food served, medications given, injuries and incidents is important as is sharing this information with parents / whānau.

## **Qualifications**

It is imperative that the ECE workforce remains highly degree qualified. While the requirements to qualify as a teacher|kaiako are the same for ECE, primary, and secondary school, ECE is often overlooked and not held in the same esteem. There is a reason the Ministry of Education is responsible for ECE, and a reason why ECE teacher|kaiako must meet the same qualification and registration requirements as primary and secondary teacher|kaiako. ECE teachers|kaiako are professionals. It is important we uphold and maintain quality standards across all levels of the teaching profession to maintain the integrity of our education system. A teacher is a teacher is a teacher!

Qualified teachers|kaiako create an environment that fosters opportunities for learning and development through intentional teaching. It is not the qualifications themselves, but the knowledge, skills, and capability teachers|kaiako have gained through initial teacher education and practice that enable them to enhance pedagogical quality. A qualified workforce creates a high-quality pedagogic environment, which equates to better gains for tamariki<sup>i</sup> <sup>ii</sup>.

We want to lift the quality and esteem of our ECE workforce, children's|tamariki's learning as well as the integrity of our education system, not continue to shift the goalposts.

## **Current Government requirements – what needs minor changes?**

### **Person Responsible**

We disagree with the recent reversal of the requirement for a person responsible to be a fully registered teacher. These people are crucial to the safe operation of an ECE centre so need to have an appropriate level of qualification and experience.

### **Opening and Closing**

The requirements around who can open and/or close a centre need to be looked at in conjunction with the person responsible requirements. Confusion around the meaning of the terms does not help. If opening or closing the premises when there are no children present should be able to be done by anybody, versus having the correct qualified staffing when children are present.

### **Safety Checking**

The biggest issue with safety checking is the inability to use an existing police vet (especially if less than one year old). For this to happen, there needs to be a good system so if a person's vet status changes, Police have the appropriate permissions and ability to contact the current employer to notify them.

### **Notifying other agencies (criteria HS34)**

The requirement to notify a range of other agencies when certain events occur has created issues where Ministry staff believe an agency (e.g. WorkSafe) should be notified, and the incident does not meet WorkSafe notification requirements.

There must be a nuanced approach to reporting and oversight depending on the size of an entity and the results of proactive audit cycles based on entity size (small, medium and large). Small entities may require support and oversight from MOE, medium and large entities may have their own systems and structures for incident management and continuous improvement. The threshold for reporting needs to change to reflect the maturity (or not) of entity policy frameworks, systems and governance. The zero harm kaupapa from MOE is causing harm by creating a culture of fear of reporting and this is what needs to be addressed through both the culture of practice and systems. Children's safety and learning is a priority, but this standard would not meet the threshold of a cost benefit analysis.



## Current Government requirements – what needs major changes?

### ***Food Safety – licensing and inspections***

The requirement for an ECE centre, whose primary business is not food production, to be registered and frequently inspected (often by an inspector that works with businesses that are selling to the public) is over the top. The introduction of this requirement either added cost to providers or led providers to opt out of providing food, instead asking families to send a lunch box. This has led to the example of a centre refusing to serve hot food brought from home unless it can be served at a required temperature but then refusing to heat food, instead asking parents to send the food in a thermos but not checking the temperature of that food.

The exemption of food that is prepared as part of the curriculum, has driven some providers (especially Kōhanga Reo) to say that all food is part of their curriculum, so they are exempt from this requirement).

### ***Food Safety – food preparation***

The introduction of requirements around how food is prepared has led to some foods that would otherwise be served be removed from the centre menus (eg apples, grapes). There is confusion about how food brought in a lunch box should be prepared and if a child has a cut (or whole) apple are they then allowed to eat it at the centre? While information about food preparation must be shared with whānau, if whānau chose not to follow it, some centres are still unsure of what to allow tamariki to eat.

### ***Ventilation, air quality and room temperature***

Since COVID-19 there has been a greater emphasis on ventilation. Ventilation requirements and guidance for older buildings include leaving windows/doors open to allow air flow. This can then clash with minimum temperature requirements especially in winter. The standard should focus on heating capacity like the healthy home standards, rather than being focused on whether the room with the open door is 18 degrees Celsius.

### ***Ratios and group (class) size***

Younger tamariki have high needs, learning and development, requiring more dedicated attention to stay safe and to support their early development. This is why the current ECE ratio for under twos has fewer tamariki per teacher than for older tamariki (1:5). Children|tamariki under three years old are infants, yet our current model creates an arbitrary cut off age of two which leaves tamariki in the 2–3-year-old bracket as the lowest funded group. These children|tamariki have all the needs of under two-year-old children|tamariki (nappy changing, developing language and social skills), yet not the same level of support in terms of funding or teaching ratios.

children|tamariki under 3 (first 1000 days) are in a critical and sensitive period of learning and development and they require attuned, well-qualified, self-regulating adults to guide and scaffold them in their intense feelings, and behaviours.

## Areas of duplication

The main area of duplication is in assessment – by ERO and the Ministry of Education. ERO's role should be looking at the delivery of curriculum and the teaching and management practices in place at a centre rather than checking items such as the height of a fence.

There are several Premises and Facilities criteria where there is overlap between MoE assessment and that of Local territorial Authorities or FENZ. These include:

- PF3 – Building Act Compliance
- PF7 – Safety Glass
- PF12 – Lighting, ventilation, heating and acoustic materials
- PF24 – Tempering Valve
- HS4 – Fire Evacuation Scheme
- HS5 – Assemble Areas are Safe

For all of these, if the local authority has checked the premise (either at time of licensing or on a regular basis), and the service has evidence of compliance, the MoE and ERO should not need to recheck compliance.

## Areas of inconsistency

Inconsistency is made up of two parts – inconsistency within the MoE and inconsistency with other agencies.

### ***Inconsistency within the Ministry of Education***

For providers that operate in multiple regions on New Zealand, there can be inconsistency in assessment decisions from different Ministry offices. While we understand the assessment of practice is location (centre premise, staff, number and mix of tamariki) specific, the assessment of documentation should be standardised. If a policy meets the standard in Auckland, it should also meet the standard in Wellington.

### ***Inconsistency with other agencies***

The largest area of inconsistency is that between the MoE and ERO. While we accept that practice and compliance can change over time, our members are telling us that ERO will find issues, which once the Ministry have checked they find compliant (and vice versa).

Another area of inconsistency can be between Regional Public Health and the MoE. An example is infectious disease outbreaks that do happen in ECE, and we agree steps should be taken to reduce them. The bureaucracy between public health and MoE is very costly, places unreasonable burden on providers and adds very minimal value. Providers do not always inform public health or MoE for fear of consequences, so the self-reporting process has limitations and there is no incentive to report. The system is clunky and ineffective and adds very little value to reducing risk to children.

## Implementation of the requirements

Many of our members have told us that it is not the requirements per se, rather how they are interpreted by MoE licensing staff, which varies significantly from region to region.

## **Medical Assistance and incident management (criteria HS27)**

The standard is fine as services should have a procedure in place. The way it is operationalised by MoE is the issue as there is a burden of reporting to MoE that adds very little value to tamariki and services. Services should be audited for their systems and processes, as ERO do, based on whether they are small, medium or large. Medium and large entities should be relied upon to manage their own events and investigations to support continuous improvement. Smaller entities may still benefit from increased support from MoE but should also be proactively audited for their systems and processes, and not intensely investigated each time they report an event. The unintended consequence of investigating every reported event is that services do not report events, which increases the risk of harm.

### Unnecessary or burdensome paperwork

There are a number of documentation requirements that could be digitised, to make service record keeping simpler as well as easier to share with both regulating agencies. These include attendance records, records of food served, signatures on enrolment form and changes to those forms, and information made available to parents.

### Next steps

Te Rito Maioha are committed to working with the government and officials to progress this mahi and ensure the regulations are fit for purpose. We are willing to help in the design, testing and implementation of new systems to ensure there are not the unforeseen consequences the sector continually experiences and continues today.

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Make submission to the Ministry for Regulation by 31 August 2024 to [reviews@regulation.govt.nz](mailto:reviews@regulation.govt.nz)

Key contact for Te Rito Maioha Early Childhood New Zealand:

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<sup>i i</sup> Mitchell, L., Wylie, C. & Carr, M. (2008). *Outcomes of Early Childhood Education: A Literature Review*

<sup>ii</sup> OECD (2012), *Starting Strong III: A Quality Toolbox for Early Childhood Education and Care*, OECD Publishing.