

13 October 2021

Consultation on implementing the new network management function for early childhood services.

We are pleased to provide comment to the Ministry of Education on implementing the new network management function for early childhood services.

About Te Rito Maioha Early Childhood New Zealand

Te Rito Maioha Early Childhood New Zealand (ECNZ) 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.

General Comments

We note that the licensing process will become a two-phase approach, network approval and licensing. Overall, we support a sound managed network that is in the best interests of providing early childhood education to tamariki, their whānau and communities. Having a streamlined but considered due diligence case when entering as a service or expanding existing services will provide quality in decision making and ECE provision.

Network management phase - It is interesting that the decision to approve the application will remain with the Minister. We question the practicality of this. How will applicants be assured of the timeliness of decisions and the political neutrality of the Minister? Or will this just be a "rubber stamping" exercise?

We agree that those who already operate a service need to be through the network management phase. Will this also apply to those wanting to increase their licensed numbers?

When network approval is granted, will the applicant be sent documentation of their approval explaining the terms and timeframe of the approval?

Licensing phase – We agree that the applicant who was granted network approval must remain the same and continue to meet fit and proper requirements.

Period of network approval – We agree with the period of up to two years.

Proposed regulatory framework – We agree with the development of preapplication regulations which will provide clarity for applicants. There needs to be a clear “handover” between the preapplication regulations and the existing regulations.

Consistency with licensing – we are pleased to see that any changes proposed for the new regulations will be mirrored in the licensing regulations. Regarding network management conditions, would any conditions be placed on the licence as a special condition? If so, will Regulation 22(5) be changed to allow this?

When network management starts – Some flexibility will be required on a case-by-case basis for those who already have work underway. We know of a provider who is working now to purchase land and gain resource consent which has taken 18 months to date. We would hate for organisations to be potentially penalized or prevented from continuing with a build for reasons that are outside their control.

We note that many of the proposals will require a change to the Education and Training Act, the introduction of new regulations and/or changes to licensing criteria. We question whether these all can be completed prior to August 2022.

Network management proposals

National and Regional Statements

We agree that having national and regional statements will be useful to guide providers in knowing where there are areas of under or over supply. It will also be good for providers to have all the information they need to submit with an application in one place.

Changes to fit and proper

We agree with the change to assess both the applicant and every other person involved in the governance of the proposed service.

While we agree with considering all personal convictions of the applicants, we ask how this will be done – will it be via a police vet or a Justice check? If a police vet, this could add to the already long turn-around time for some vets.

How will the Ministry find information on convictions of an organisation? Will the applicants need to list all organisations they are governance members for? Will the Ministry be interested in past organisation? Confirming and assessing the declared information could be complex and take a long time. Will Ministry staff be adequately trained and have robust processes so this assessment is consistent for all applications?

Assessing financial position and licensing history

We agree with asking applicants to provide evidence of sufficient funding or a business plan to show how funding will be attained to establish a service and run it until government funding is received.

We agree with assessing the licensing history of other services the provider has (or had) been in control of or had a role as a governing member. If the Ministry finds an applicant hasn't listed all services they have been involved in, will this mean an application is declined or will clarification be sought?

Capability to deliver the service

While we agree it is important that providers are capable of delivering the service, we ask that the Ministry consult further on the specifics of a capability test.

Setting of conditions

We agree with the three proposed conditions:

- Nature and size of service
- Providing regular updates on progress
- Requirement to notify the Ministry of changes in circumstances

If network planning approval were to be withdrawn, there would need to be a sound reason, as with money spent there could be a risk of legal challenge.

Challenging decisions

We agree that there should be different review pathways for decisions made by the Minister of Education and the Secretary for Education.

We agree with the proposal that the Secretary issues a notice of intention of any adverse decision and that applicants can respond to that decision prior to an appeal in the District Court. We also agree that a separate review authority is not required.

Extensions

As the decision to extend is made by the Minister, we agree that the circumstances when an extension could be given should be made more explicit. The proposed grounds for an extension are all reasonable.

Fees

We agree with setting a fee that partially recovers costs but is large enough to deter 'holding' or frivolous applications. The amount proposed (\$500) is reasonable. It would need to be made clear that the fee is for the consideration of the application and is non-refundable.

Make submission to Earlylearning.Regulatoryreview@education.govt.nz by 13 October 2021.

Key contact for Te Rito Maioha Early Childhood New Zealand:

Kathy Wolfe, Chief Executive

kathy.wolfe@ecnz.ac.nz 04 471 6802