

FREQUENTLY ASKED QUESTIONS ABOUT THE RECENT CHANGES TO THE 2008 REGULATORY SYSTEM

SLEEP ROOMS CRITERION FOR EDUCATION AND CARE CENTRES (PF37)

Sleep rooms will not be required in all day services for children under two years of age. There is an expectation that services will engage with parents to discuss how the service can best meet the sleep requirements of individual children.

Why did the sleep room criterion for education and care centres change?

The intent of the change for sleep rooms was to provide more flexibility for services to respond to the diverse needs of their families and whanau.

The sector working group recommended that the notion of 'undisturbed rest' be defined rather than regulate for where children must sleep. This recommendation was not progressed as research showed that any term would be difficult to define.

How will the sleep requirements for children under two in all day services be met?

Services can still choose to use separate sleep rooms. The focus of the criterion is to ensure services engage with parents to discuss how the sleep requirements of their child can be met.

We have already spent money on sleep rooms to meet the previously agreed criteria. Will we get reimbursement?

No. The Ministry must licence services based on the regulations, and assessed against the criteria, that apply at the time of licensing. Regulations and criteria do change periodically for a number of reasons and the Government aims to communicate any intention to change regulations to provide certainty for the sector.

PLUMBED-IN WASH FACILITIES CRITERION FOR EDUCATION AND CARE CENTRES (PF26)

Plumbed-in wash facilities will not be required for education and care services. All services will be required to have a procedure outlining how the service will ensure good hygiene and the control of infection when washing sick or soiled children.

Why did the plumbed-in wash facilities criteria change?

This requirement posed significant costs for some existing services, and the Government believes that the same outcome can be achieved without regulating for wash facilities.

How will the health and safety of children be protected by removing the requirement for plumbed-in wash facilities?

Services will need to ensure their hygiene and infection control procedures are practical, clear and comprehensive to manage the risk of cross infection for their children and also their staff. Services can still choose to install plumbed-in wash facilities to meet criteria PF26.

While these criteria will no longer require plumbed-in wash facilities, new services and services that are renovating may be required by territorial local authorities to have plumbed-in wash facilities to meet the requirements of the Building Code. Services should check directly with their local authority.

We have already spent money on plumbed-in wash facilities to meet the previously agreed criteria. Will we get reimbursement?

No. The Ministry must licence services based on the regulations, and assessed against the criteria, that apply at the time of licensing. Regulations and criteria do change periodically for a number of reasons and the Government aims to communicate any intention to change regulations and to minimise these changes to provide certainty for the sector.

OUTINGS AND EXCURSIONS CRITERION (EDUCATION AND CARE CENTRES, HS17; HOME-BASED SERVICES, HS14)

A *single* written risk assessment agreed to by parents or caregivers is required at the time of enrolment, for *all regular outings and excursions*. For *each special outing and excursion*, a *separate* written risk assessment is required to be agreed with parents, prior to the outing or excursion taking place.

Regular outings and excursions and special outings and excursions have been defined in the interpretations section of the revised criteria.

For education and care centres, the requirement for adults accompanying a group of children on an outing to meet the Person Responsible requirement has been removed; all outings and excursions must be approved by the Person Responsible.

Why did the outings and excursion criteria change?

Feedback in the consultation indicated that clarification was required to this criterion as services understood it to require a written risk assessment for every outing and excursion. A definition of regular and special outings and excursions has also been included in the interpretation section of the

criteria. The change was to reduce unnecessary compliance requirements while still ensuring that the Person Responsible approves all outings and excursions.

For education and care centres, the change was to reduce unnecessary compliance while still ensuring that the Person Responsible must approve all outings and excursions.

HUMAN RESOURCE MANAGEMENT PRACTICES CRITERION (EDUCATION AND CARE CENTRES, GMA7; HOME-BASED SERVICES, GMA6)

For home-based education and care services the minimum age for home-based educators is now 17 years, rather than 20 years. The *Education (Early Childhood Services) Regulations 2008* will be amended to reflect this change.

For home-based education and care services, the human resource management practices criterion has also been amended to include a requirement for a process for the selection and training of educators, along with a requirement for training plans for educators with little or no previous experience in early childhood education.

The human resource management practices criterion for education and care centres has been clarified to remove the distinction between employees and other adults, eg volunteers or contractors. These relate to appointment procedures and discipline/dismissal procedures.

Why did the human resource management practices criteria change?

It was to remove the distinction between employees and other adults such as volunteers or contractors. Previously the criteria for appointment procedures and discipline/dismissal procedures were specific to employees, when services may also engage staff under different arrangements.

Why is there a focus on selection and training of educators in home-based education and care services?

The sector working group, in recommending lowering the age to 17 years, recognised the importance of selection and training processes for people with little or no previous work experience or work experience in early childhood education. This criterion strengthens the existing requirements.

LIMITED ATTENDANCE CENTRES

Limited Attendance Centres were removed from the *Education (Early Childhood Services) Regulations 2008* in February 2009 and this has not changed. The Minister has directed the Ministry of Education to undertake further work to determine the most appropriate regulatory framework to protect the health, safety and wellbeing of children who would attend services of this type.

LICENSING PROCESS

Licences for early childhood education and care services will be issued in perpetuity (often referred to as 'lifetime licenses') rather than a six-year period with a renewal (this confirms the amendment to the regulations made on 1 February 2009).

The Ministry will work with services to progressively re-licence all services under the amended 2008 regulations from 1 September 2009 and it is intended that re-licensing will be completed by 30 November 2014.

When will the new licensing fee apply?

A licensing fee of \$2,756.25 (incl GST) will apply for new services only once the change to regulations is confirmed from late August. The licensing fee will not apply when existing services (including home-based services) are being re-licensed under the 2008 regulations. It will not apply for an amendment to an existing licence under the 2008 regulations or to services that temporarily relocate.

Why has the licensing fee increased?

The previous fee was last reviewed in 1990 and no longer reflects current costs or the new licensing process. The fee is based on how long, on average, it takes to complete the licensing process. Licensing fees are a very small proportion of the costs that new services face when they apply to be licensed.

Is a licensing fee charged when a service changes ownership?

No, this is classed as a licensing amendment.

Why did the Government decide to issue licences in perpetuity?

The Government considered the consultation feedback from parents and the sector, along with the sector working group recommendations. The Government is focused on balancing the compliance costs of the regulatory system with the health and safety of children and believes that the health and safety for children can be upheld in other ways without the need for periodic re-licensing.

How will the Ministry ensure services are compliant with the regulations and criteria if there is no re-licensing process?

The Ministry is able to investigate any concerns parents or members of the public may have about a service. All services are required to have their complaints procedure clearly visible to people visiting the service. In addition, the Ministry will be working with the Education Review Office to clarify and strengthen current roles to monitor and report on compliance.

HOW WILL THE GOVERNMENT RECOGNISE THE SPECIAL CHARACTERISTICS OF DIFFERENT SERVICES?

The sector working group discussed the fit of the regulatory system for services that have specific characteristics or goals, such as having a core goal of revitalisation or maintenance of a language and culture. The intent of the regulatory system is to allow flexibility for services to develop and foster their special characteristics, and to encourage diversity, while maintaining consistent standards across all services.

WHAT OTHER WORK IS UNDERWAY AS A RESULT OF THE REVIEW?

A further change for home-based services will be to require a Police Vet for all usually resident members in the home of the educator, who are 17 years or older. This will require a change to the Education Act 1989 before it can become a requirement for licensing.

The Ministry will be undertaking further work on the following topics that were part of the review or arose as a result of the sector working group recommendations.

- Developing policy advice on:
 - links between group size and maximum centre size
 - options for issuing multiple licences to service providers with more than one service
 - options to reduce compliance burdens associated with the funding system and teacher registration targets.
- Feedback on licensing processes will be sought as part of the implementation of the new regulations. This will include feedback from sector representatives, from a sample of recent applicants, and ongoing monitoring of the licensing process to ensure a fair and consistent approach across all regions. The Ministry will continue to develop and update the guidance associated with all criteria, which will include examples of good practice found in the sector.
- Identifying and resolving ambiguous criteria, including where there are potentially conflicting requirements with other agencies' regulations. For example, work has begun on the interaction with health reports, resource consent and building code requirements.
- Investigating compliance assurance mechanisms and working with the Education Review Office to clarify and strengthen current roles to monitor and report on compliance.

NEW COUNTING METHOD FOR CHILDREN CHANGING AGE BANDS (EDUCATION AND CARE CENTRES AND HOSPITAL-BASED SERVICES)

A more flexible counting provision for when children move between the under two years age band and the two years and over age band will be applied to the adult:child ratios. The new counting provision will mean that a two year old child can continue to be counted for ratio purposes in the under two year old age band, providing the total number of children in the service did not change.

The new counting method applies to education and care centres and hospital-based services and will be included in the amended *Education (Early Childhood Services) Regulations 2008*.

Why is the counting method changing?

The current counting method created additional compliance burdens for services if a single child moved into the two years and over age band, even when the total number of children in the service did not change.

Why is the counting method included in the regulatory changes?

The timing of the regulatory review meant that this change could be addressed as part of the amendment process.

What is the impact of this change on funding?

There is no change to funding rules. Services must count the child who has turned two in the age band for two and over for funding purposes, regardless of where the child is counted for ratio purposes.

GENERAL

What happens now?

The Ministry's regional offices will now progress planning the re-licensing of current services licensed under the 1998 and 2008 regulations. Factsheets that provide background information on the transition between the 1998 and 2008 regulatory frameworks will shortly be available on www.lead.ece.govt.nz.

How do I get a copy of the new regulations?

The amended regulations will be published in late August. Hard copies of the regulations will be available from Bennetts or Whitcoulls for between approximately \$3.00 - \$5.00, and online at www.legislation.govt.nz. The title of the regulation will remain the same: *Education (Early Childhood Services) Regulations 2008*.

How do I get a copy of the revised criteria?

Electronic copies of the criteria will be available at www.lead.ece.govt.nz by the end of August and can be downloaded free of charge. An erratum sheet will also be available on the website if services wish to update their current copies.

Services that are unable to download and print a copy from the website, may request a single copy from their local Ministry of Education office.

Some hard copies of the *Licensing Criteria for Education and Care Centres 2008* are available for purchase from Wickliffe on 0800 660 662. There are no plans to print copies of the revised criteria booklets or reprint other booklets that have not changed.

How do I get a copy of the consultation and sector working group reports?

The *Summary report on consultation for sector working group* (March 2009) and the *Report of the sector working group* (April 2009) will be available at www.lead.ece.govt.nz.