

# Summary:

## Regulating for 80% qualified teachers and person responsible in Teacher-led centres and Hospital-based services

### Regulating for 80% qualified teachers

#### The Early Learning Action Plan

In the Action Plan, the Government set an objective to regulate for 80% qualified teachers in teacher-led centres before regulating for 100% in the long term. This is based on the principle that teaching qualifications provide teachers with the professional competencies and skills that lead to positive outcomes for children.

#### Current requirements

##### The Government currently regulates for 50% qualified teachers

Under the Education (Early Childhood Services) Regulations 2008, teacher-led centres and hospital-based services must employ or engage 50% ECE qualified teachers.<sup>1</sup> This is measured against minimum adult: child ratio requirements and the service's licence maximum (full or provisional licence) or number of enrolments (probationary licence).

For example, if an all-day service holds a full licence and has a licence maximum of 50 children aged 2 and over, five adults must cover minimum adult: child ratio requirements (1:10).<sup>2</sup> As the 50% requirement is calculated against this number, the service would need to employ or engage three ECE qualified teachers.

##### The Government encourages services to use 80-100% certificated teachers

The ECE Funding Handbook encourages services to use a high proportion of certificated teachers to cover minimum adult: child ratio requirements. A certificated teacher holds an ECE or primary teaching qualification and a current practising certificate. Services receive higher rates if they use 80% or more certificated teachers to cover ratios over a four-month funding period.

In practice, this means services can fluctuate above and below 80% at various points during a four-month period and still qualify for higher funding rates. For example, a service could qualify for 80-99% funding rates if they used 70% certificated teachers to cover ratios on one day and 90% on the next, provided it averages out to 80% over a funding period.

<sup>1</sup> Education (Early Childhood Services) Regulations 2008, [reg 44\(3\) - Qualifications, ratios, and service-size standard: general](#).

<sup>2</sup> Education (Early Childhood Services) Regulations 2008, [sch 2 - Adult-to-child ratios \(minimum\)](#).

## Options to regulate for 80% qualified teachers

In each option, we propose enabling ECE and primary qualified teachers holding a practising certificate to count for regulatory and funding purposes. This would address some of the inconsistencies between the regulations and funding requirements. However, the Regulations and funding rules would continue to operate independently of each other.

| Option   | Description  |
|--|--|
| <b>1. Retaining a high percentage of ECE qualified and certificated teachers</b> | <p>This option modifies the current 50% standard in two ways.</p> <ul style="list-style-type: none"> <li>Services would need to employ or engage 50% ECE qualified and certificated teachers.</li> <li>Services would need to employ or engage an additional 30% ECE and/or primary qualified and certificated teachers.</li> </ul> <p>In practice, this means that each service would need to employ or engage 50% ECE qualified teachers, with an additional 30% comprised of ECE and/or primary certificated teachers – as measured against the service's licence maximum (full licence) or number of enrolments (probationary licence). For example, a service licensed for 50 over 2s (ratio 1:10) would need to employ or engage three ECE qualified teachers to meet the 50% threshold, and one further ECE or primary qualified teacher to reach the 80% standard.</p> |
| <b>2. Match the Regulations with the funding rules</b>                           | <p>This option requires services to use 80% qualified and certificated teachers to cover ratio requirements over a four-month funding period.</p>  |
| <b>3. Ensuring ECE qualified and certificated teachers are always present</b>    | <p>Services would need to employ or engage 80% qualified teachers (measured against ratio requirements). However, 50% ECE qualified and certificated teachers must cover ratio requirements when children are present.</p> <p>For example, if a service was licensed for 50 children aged over 2, they would need to employ or engage five teachers (1:10). Four of these staff must be qualified teachers to meet the 80% requirement. If 50 children were present, the service would need at least three ECE qualified teachers to be in contact with children to meet the 50% sub-limit.</p>  |

## Barriers preventing services from reaching 80%

Services currently operating under 80% tend to serve population groups traditionally underserved by the education system. We recognise the value of these services and want to know what barriers prevent them from operating at 80% and what support they need.

## Strengthening the person responsible requirement in teacher-led centres and hospital-based services

In teacher-led centres, persons responsible are directly involved in, and primarily responsible for, the day-to-day education and care, comfort, and health and safety of the children.<sup>3</sup> In hospital-based services, persons responsible have primary responsibility for the education of children in the service, ensuring supervision of children in the activity room, and supporting children's health, safety and care.<sup>4</sup>

In both service types, the person responsible supervises children and teaching staff<sup>5</sup>, and must hold a recognised qualification and a current practising certificate.<sup>6</sup>

<sup>3</sup> Education (Early Childhood Services) Regulations 2008, [reg 3 – Interpretation](#) and [reg 44\(1\)\(d\)\(ii\) – Qualifications, ratios, and service-size standard: general](#) – there must be at least one person responsible for every 50 children in attendance.

<sup>4</sup> Education (Early Childhood Services) Regulations 2008, [reg 3 – Interpretation](#).

<sup>5</sup> Education (Early Childhood Services) Regulations 2008, [reg 44\(1\)\(d\) – Qualifications, ratios, and service-size standard: general](#).

<sup>6</sup> Education (Early Childhood Services) Regulations 2008, [reg 3 – Interpretation](#) and [sch 1 – Qualification requirements](#) – In teacher-led centres persons responsible must hold an ECE or primary teaching qualification. In hospital-based services they must hold an ECE teaching qualification.

## Proposals to strengthen the person responsible requirement in teacher-led centres and hospital-based services

We are consulting on four proposals to ensure the person responsible role for teacher-led centres and hospital-based services remains clear, fit-for-purpose and safeguards children's best interests:

| Proposal  | Description  |
|---|--|
| <b>1. Requiring persons responsible in teacher-led centres and hospital-based services to hold a Category One or Two practising certificate</b> | This would ensure teaching staff are supervised by experienced teachers and enables graduate teachers and recent returnees to focus on teaching.   |
| <b>2. Clarifying the person responsible functions, including the supervision requirement for teacher-led centres</b>                            | This would clarify that the person responsible is expected to: <ul style="list-style-type: none"> <li>• Provide education and care to children in attendance and guidance to teaching staff.</li> <li>• Ensure all staff are aware of gazetted curriculum framework and how to use it in their teaching.<sup>7</sup></li> <li>• Ensure that health and safety risks and hazards are identified and appropriate steps are taken to address those risks or hazards when children attend.<sup>8</sup></li> <li>• Supervise children in attendance and staff providing education and care (even if located in separate spaces).</li> </ul>   |
| <b>3. Requiring persons responsible in teacher-led centres to hold a first aid qualification</b>  | This training should enable persons responsible to respond effectively to incidents and goes some way towards ensuring children's health and safety.   |
| <b>4. Clarifying what is meant by being responsible for children's education and the supervision requirement in hospital-based services.</b>    | This would clarify that the person responsible is expected to: <ul style="list-style-type: none"> <li>• Provide education and care to children and guidance to teaching staff.</li> <li>• Ensure all staff are aware of the gazetted curriculum framework and how to use it.</li> <li>• Ensure there is at least one adult present when children are in the activity room.</li> <li>• Supervise children and staff at the service, and adults in the activity room (even when children and staff are located in separate spaces).</li> </ul> <p>This proposal also clarifies that the person responsible would need to ensure at least one adult is present whenever children are in the activity room. This more clearly distinguishes between the supervision requirement and ensuring an adult is present whenever children are in the activity room.</p> |

### How to have your say

You can find the full discussion document on [Kōrero Mātauranga](#). If you want to provide feedback on the regulations, you can complete a survey in English [here](#) or in te reo Māori [here](#).

You can also send a more detailed written submission to either [Earlylearning.Regulatoryreview@education.govt.nz](mailto:Earlylearning.Regulatoryreview@education.govt.nz) or this postal address:

Early Learning Regulatory Review  
Ministry of Education  
PO Box 1666  
Wellington 6140

The Ministry of Education requires feedback by **13 October 2021**.

If you have any questions about making a submission, or would like more information, please email [Earlylearning.Regulatoryreview@education.govt.nz](mailto:Earlylearning.Regulatoryreview@education.govt.nz).

<sup>7</sup> The curriculum standard currently includes the principles and strands of *Te Whāriki*. The Ministry is planning to gazette the goals and learning outcomes of *Te Whāriki* under the Early Learning Action Plan.

<sup>8</sup> Under the Health and Safety at Work Act 2015, the service provider has the primary duty of care towards the health and safety of staff and children in the service. Our proposed change makes it clear that the person responsible, in their supervisory capacity, has a clear role to play in ensuring the health and safety of children, but are not primarily responsible for addressing all health and safety risks or hazards.