

Question 2: All correspondence from kindergarten associations to the Minister or Ministry personnel relating to this ECE Regulatory Review

1. S 9(2)(b)(ii) [REDACTED], 14 May 2024, 11.10am

From: S 9(2)(a) [REDACTED]
Sent: Tuesday, May 14, 2024 11:10 AM
To: Hannah McGlue <Hannah.McGlue@regulation.govt.nz>
Subject: Fw: CEGAP meeting and Regulatory Review

Kia ora Hannah

I emailed David Wansbrough a month ago, and I'd appreciate you checking to see if he has received it as I did not get a response.

See below, thanks.

S 9(2)(a) [REDACTED]

R00579

2. S 9(2)(b)(ii), 14 May 2024, 12.31pm

From: S 9(2)(a)
Sent: Tuesday, May 14, 2024 12:31 PM
To: Hannah McGlue <Hannah.McGlue@regulation.govt.nz>
Subject: Re: CEGAP meeting and Regulatory Review

Absolutely fine Hannah, I look forward to hearing from you.

S 9(2)(a)



3. S 9(2)(b)(ii), 11 April 2024

From: S 9(2)(a)
Sent: Thursday, April 11, 2024 9:07 AM
To: david.wansbrough@regulation.govt.nz <david.wansbrough@regulation.govt.nz>
Cc: S 9(2)(a) >
Subject: CEGAP meeting

Morena David

S 9(2)(a)

I listened with great interest to your korero and would like to invite you and your team to visit us here in S 9(2)(a) to talk about the issues.

S 9(2)(b)(ii)

Whilst I understand you do not have a scope yet, nor any outcomes proposed, I know that consultation will be a critical part of your mahi and that your timeframe is short. We extend the invitation to speak with our Senior Leadership Team, our senior teachers, and we can be a conduit to a parent base of around 2500. We can also take you on a tour of some of our kindergartens so you can see the regs in action.

David, our team here has a massive knowledge base and experience, and we know the legislation and its practical application. I hope you will consider this not only a great opportunity, but also a critical part of your mahi - to hear the voice of the sector in S 9(2)(b) and S 9(2)(b)(ii).

Thanks, I look forward to your response,

Ngā mihi nui

S 9(2)(a)

S 9(2)(a)



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4. S 9(2)(b)(ii), 28 April 2024

From: S 9(2)(a)
Sent on: Sunday, April 28, 2024 9:31:25 PM
To: Hannah McGlue <Hannah.McGlue@regulation.govt.nz>
Subject: Fw: Feedback on the Draft Terms of Reference Re Early childhood education regulations
Urgent: High

Attachments: Outside of Scope

Follow up: Follow up
Follow up status: Completed
Completed on: Thursday, May 2, 2024 9:09:00 AM

Morena Hannah

I sent the following email to David Wansbrough this morning but I understand that S 9(2)(a), hence why I am now sending my email and attachment to you.

Could you please confirm by return email that you have received this email and the attachment.

Ngā mihi

S 9(2)(a)

R00579

5. S 9(2)(b)(ii), 29 April 2024

From: S 9(2)(a)
Sent: Monday, April 29, 2024 9:27:51 AM
To: David Wansbrough <david.wansbrough@regulation.govt.nz>
Subject: Feedback on the Draft Terms of Reference Re Early childhood education regulations

Morena David

Thank you for providing an opportunity to provide feedback on the draft Terms of Reference for the review of early childhood education regulations. Your willingness to engage with the early childhood education sector is appreciated.

The attached letter is written on behalf of S 9(2)(b)(ii)

We would welcome the opportunity to meet with the review team in due course however in the meantime if you have need further clarification or have any additional questions please do not hesitate to get in touch with me.

Ngā mihi

S 9(2)(a)

From: S 9(2)(a)
Sent: Monday, 29 April 2024 8:39 am
To: S 9(2)(a)
Subject: Message from Outside of Scope

R00579

This E-mail was sent from "Outside of Scope" [REDACTED]

Scan Date: 04.29.2024 08:39:23 (+1200)

Queries to: S 9(2)(a) [REDACTED]

6. S 9(2)(b)(ii) [REDACTED], 10 June 2024, 1.03pm

From: S 9(2)(a) [REDACTED]

Sent: Monday, June 10, 2024 1:03 PM

To: Hannah McGlue <Hannah.McGlue@regulation.govt.nz>

Subject: Re: Meeting with Ministry for Regulation to discuss review

Kia ora Hannah

I wasn't aware this was to be a Teams meeting. It's a shame that you can't be here in person - are you coming to the South at all?

S 9(2)(a) [REDACTED]

R00579

7. S 9(2)(b)(ii), 10 June 2024, 10.48pm

From: S 9(2)(a)

Sent on: Monday, June 10, 2024 10:48:03 PM

To: Hannah McGlue <Hannah.McGlue@regulation.govt.nz>

Subject: Re: Meeting with Ministry for Regulation to discuss review

Let's go with the Teams meeting Hannah, and we'd appreciate a face to face if there is time later.

Could we add Temporary licences to the agenda please?

S 9(2)(a)



8. S 9(2)(b)(ii), 25 June 2024

From: S 9(2)(a)
Sent on: Tuesday, June 25, 2024 12:19:18 AM
To: Hannah McGlue <Hannah.McGlue@regulation.govt.nz>
CC: Liam Taylor [TSY] <Liam.taylor@treasury.govt.nz>; Kerry Lamont <Kerry.Lamont@regulation.govt.nz>; Sherryll S 9(2)(a) S 9(2)(a)
Subject: Re: Reflective questions for our session next week

Categories: z. to log

Kia ora Hannah and Kerry
Thanks so much for the opportunity to communicate our views on the ECE regulatory review. We look forward to submitting through the portal once it goes live, and will ensure our parents and kaiako have the opportunity too.

I've bullet-pointed some of the relevant information from today below:

S 9(2)(b)(ii)

S 9(2)(b)(ii)

S 9(2)(b)(ii)

- We feel that the purpose of the Regs (ECE) remains relevant - Regulations that ensure children's safety and wellbeing should not be minimised or removed. It should be assumed that a competent service operator can manage compliance at the minimum level legislated with good systems and processes. Reducing cost or time spent on compliance should not

drive change when that change directly affects children's wellbeing and the quality of provision in ECE services. The regulations give assurance to our parents and whānau of a minimum standard of care and education - what does lowering the standards tell them about how much we value their children?

- In the future we want to see a fully qualified workforce to support quality provision, and equity of access to safe, quality ECE for all children. We want to see the ECE sector valued by the government, regardless of the politics, and respected by the education sector. We want certainty and consistency, rather than being a political football. True partnership and collaboration with the MoE, and better communication is the key.
- The issues in the main reside with unclear guidance, and inconsistent interpretation and application across the Ministry of Education, and across other agencies. i.e. Te Whatu Ora (re acoustic testing), FENZ (desk-based assessment of evacuation schemes vs practical application), Local Councils (understanding end user), BWOF inspectors (flexibility to make a reasonable assessment based on safety and risk levels). The legislation (ECE and other) often has competing objectives, and from our perspective the safety of children trumps all others. For example, this means installation of high door handles that are out of reach of children - and (some) disabled persons. In a new build or renovation the handles are installed between the council Code Compliance inspection and the Ministry license inspection. Keep in mind that many ECE buildings do not have a BWOF and are never checked for issues such as this. But where there is a BWOF, new facilities are not passing annual inspection because they are asking for the removal of the high handles. This means a breach of regs and potential loss of license. This is not a new issue, but no-one will address it and make a call.
- The guidance under the licensing criteria provided by the Ministry of Education needs to be clearer, and any changes communicated widely so the impact and potential cost to providers is understood.
- We would like the timeframe for temporary relocation licenses to be extended to up to 12 months, recognising the actual timeframe for a major renovation.
- We would like the minimum outdoor space of 5m per child increased to 7m (in line with overseas provision). Indoor space will need to be reviewed given the current 2:1 outside/inside size ratio.
- We would like to see regulatory standards set for the exclusion of children from ECE settings, which happens far too often with no real justification.
- There needs to be alignment with the compulsory sector around the regs and rules for restraint of children - we need to keep tamariki and staff safe in these situations. It is regulated for schools.
- The service provider should be able to be named as one person across multiple Education regions where that person can show that they are actively and adequately covering this role.

Thanks again, and please let us know if we can host you when you visit.

R00579

Ngā mihi nui

S 9(2)(a)



9. S 9(2)(b)(ii), email 27 April 2024

From: S 9(2)(a)
Sent: Saturday, April 27, 2024 8:35:14 AM
To: Grainne Moss <grainne.moss@regulation.govt.nz>
Subject: ECE regulatory review

Ata mārie Grainne

Tracey Martin forwarded your email contact to me. S 9(2)(a), S 9(2)(b)(ii)

I understand Tracey has talked with you about connecting with your review team not only to provide information but also to work with you on solutions. We are mindful the purpose of the regulations is first and foremost to ensure the education, safety and well-being of young children. We are also mindful that in many cases, it is the interpretation and application of the regulations that are problematic and 'burdensome' rather than the regulations themselves.

As service providers operating services across agency and local authority boundaries in both urban and rural settings, S 9(2)(b)(ii) is well placed to contribute to your work. We would welcome the opportunity to meet with you and the review team, and happy for you to visit our associations if that's useful.

I look forward to hearing from you.

Ngā mihi mahana S 9(2)

S 9(2)(a)

10. S 9(2)(b)(ii), 9 April 2024

From: S 9(2)(a)
Sent: Tuesday, April 9, 2024 2:17 PM
To: David Wansbrough <david.wansbrough@regulation.govt.nz>
Subject: FW: Gastro type illness | S 9(2)(a)

Kia ora David

This is an example of the type of correspondence we get from MOE when we notify of an infectious disease outbreak. I am not clear what value this level of administration adds, as the fact that we are notifying of an outbreak would indicate that we have it in hand. And it is very BAU for ECE services. What usually happens is someone from MOE writes this letter, let us know they may investigate (something which we raised to them in the first place – go figure) and then there is many hours of back and forth whilst we get multiple different perspectives and opinions on our policies – from both MOH and MOE.

Hope the recruitment and team building is going well 😊

Ngā mihi
S 9(2)(a)

From: Ellie Massey <Ellie.Massey@education.govt.nz>
Sent: Tuesday, April 9, 2024 1:43 PM
To: S 9(2)(a)
Cc: S 9(2)(a)
Subject: RE: Gastro type illness | S 9(2)(a)

CAUTION: This email originated from outside of the organisation. Do not act on instructions, click links or open attachments unless you recognise the sender and know the content is authentic and safe.

Kia ora

Please find attached an acknowledgement letter for the S 9(2)(b)(ii) - gastro outbreak.

Ngā mihi
Ellie Massey | Education Adviser ECE
Te Mahau | Te Tai Whenua

S 9(2)(a)

From: S 9(2)(a) >
Sent: Wednesday, April 3, 2024 4:22 PM
To: Outside of Scope

R00579

Cc: S 9(2)(a)

Subject: Gastro type illness | S 9(2)(a)

Kia ora

Please note that we have advised the Ministry of Health of a gastro type illness outbreak at

S 9(2)(a)

Outbreak number is Outside of Scope

Ngā mihi

S 9(2)(a)

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11. S 9(2)(b)(ii), 22 April 2024

From: S 9(2)(a)
Sent on: Monday, April 22, 2024 8:10:32 PM
To: Peter Clark <Peter.Clark@regulation.govt.nz>
Subject: RE: Terms of Reference for early childhood education regulatory sector review for feedback [5PM 3 MAY]

Kia ora Peter

Looks fab to me. Looking forward to this all kicking off, and the role the sector can play in supporting the kaupapa and evolution of ECE. Thanks for your work on this in a short space of time!

Ngā mihi

S 9(2)(a)

R00579

12. S 9(2)(b)(ii) 10 October 2024

From: S 9(2)(a)
Sent: Thursday, 10 October 2024 6:06 pm
To: Claire Whelen <Claire.Whelen@regulation.govt.nz>
Subject: Re: Submission on ECE Regulatory Review - checking a couple of minor questions

Kia ora Claire

The response is from the organisations listed as part of our collective approach. Some of the entities may also have submitted their own response for their individual organisation too. Our approach as a group is to submit collectively to best represent a clear position, that captures a diverse and connected response. We spent considerable time into sense checking the information to ensure everyone was happy with it. The excel spreadsheet is from all organisations too and although the info included is a summary, as a group we are confident it represents all of our organisations.

Does this answer your question?

Cheers

S 9(2)(a)

Sent from my iPhone

13. S 9(2)(b)(ii) [redacted], email 29 April 2024

From: S 9(2)(a) [redacted]
Sent: Monday, April 29, 2024 10:41:55 AM
To: David Wansbrough <david.wansbrough@regulation.govt.nz>
Subject: Early Childhood Education (ECE) Regulations Review Submission

Tēnā koe David

Please find attached S 9(2)(b)(ii) [redacted] submission re the Draft Terms of Reference for the Early Childhood Education (ECE) Regulations Review.

Nāku noa, Nā

S 9(2)(a) [redacted]

S 9(2)(a) [redacted]

S 9(2)(b)(ii) [redacted]

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14. S 9(2)(b)(ii), 15 August 2024

From: S 9(2)(a)
Sent: Thursday, 15 August 2024 10:53
To: Kerry Lamont <Kerry.Lamont@regulation.govt.nz>
Cc: S 9(2)(a)
Subject: Ministry of Regulation visit to S 9(2)(a)

Sorry to take so long to get back to you Kerry. We suggest S 9(2)(b)(ii). The dates that would suit us are next Wednesday morning or next Thursday any time. The contact person is S 9(2)(a), who is copied into this email, and her phone number is S 9(2)(a). S 9(2) will be at the kindergarten to support the visit (so that the head teacher can talk to the Ministry people etc). S 9(2) was at S 9(2)(a) when the Ministry people visited there. Hope this helps S 9(2).

S 9(2)(a)



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R00579

15. S 9(2)(b)(ii), 16 August 2024

From: S 9(2)(a) >
Sent: Friday, 16 August 2024 1:35 pm
To: Claire Whelen <Claire.Whelen@regulation.govt.nz>
Cc: S 9(2)(a)
Subject: Re: Ministry of Regulation visit to S 9(2)(a)

Thanks Claire, that's sounds perfect! Please let me know if you need details before hand. My cell number is below 😊

Ngā mihi nui

S 9(2)(a)

16. S 9(2)(b)(ii), 26 August 2024

From: S 9(2)(a)
Sent: Monday, 26 August 2024 3:12 pm
To: Claire Whelen <Claire.Whelen@regulation.govt.nz>
Cc: S 9(2)(a)
Subject: RE: Ministry of Regulation visit to S 9(2)(a)

Kia ora Claire,

It was lovely to meet you last week. I hope you found spending some time at S 9(2)(a) a useful opportunity to experience the ECE Regulations in a kindergarten context.

Please do let me know if you have any further questions or want to follow up around any thing we discussed, we are keen to support this review process.

S 9(2)(a)

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17. S 9(2)(b)(ii) [redacted], email 30 August 2024, 10.16am

From: S 9(2)(a) [redacted]
Sent: Friday, 30 August 2024 10:16 am
To: Claire Whelen <Claire.Whelen@regulation.govt.nz>
Cc: S 9(2)(a) [redacted] Kerry Lamont
<Kerry.Lamont@regulation.govt.nz>
Subject: RE: Ministry of Regulation visit to S 9(2)(b)(ii) [redacted]

Tēnā koe Claire,

S 9(2) [redacted] has forwarded your message on to me to follow up on your questions.

I am happy to meet with you to talk through our operating model and the key points of difference of our Association. Is there a particular timeframe you were wanting to do that in?

Nga mihi,

S 9(2)(a) [redacted]

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R00579

18. S 9(2)(b)(ii), email 30 August 2024, 4.52pm

From: S 9(2)(a) >
Sent: Friday, 30 August 2024 4:52 pm
To: Claire Whelen <Claire.Whelen@regulation.govt.nz>
Cc: Kerry Lamont <Kerry.Lamont@regulation.govt.nz>
Subject: Re: Ministry of Regulation visit to S 9(2)(b)(ii)

Thanks Claire,

I can do an 8-9am slot on Wednesday if that's not too early for you? I'm out of town in Friday.

Alternatively, I'm free after 11 the following Monday. It would be great to connect so hopefully that's not too late. 😊

Nga mihi,

S
9(2)

R00579

19. S 9(2)(b)(ii) [REDACTED], email 2 September 2024

From: S 9(2)(a) [REDACTED] >
Sent: Monday, 2 September 2024 9:04 am
To: Claire Whelen <Claire.Whelen@regulation.govt.nz>
Cc: Kerry Lamont <Kerry.Lamont@regulation.govt.nz>
Subject: RE: Ministry of Regulation visit to S 9(2)(b)(ii) [REDACTED]

Excellent – Teams please 😊

Question 3: Any internal or external memos, diary notes, or the like, between the Minister and/or Ministry personnel relating to kindergartens, kindergarten associations in relation to this ECE Regulatory Review

1. Email **S 9(2)(b)(ii)** next Thursday - the plan', 15 August 2024

From: Hannah McGlue <Hannah.McGlue@regulation.govt.nz>
Sent: Thursday, 15 August 2024 5:46 pm
To: Bryan Wilson <Bryan.Wilson@regulation.govt.nz>; David Wansbrough <david.wansbrough@regulation.govt.nz>; Claire Whelen <Claire.Whelen@regulation.govt.nz>; Alex McMinn <Alex.McMinn@regulation.govt.nz>
Cc: Camilla Lundbak <Camilla.Lundbak@regulation.govt.nz>; Isabelle Sin <Isabelle.Sin@regulation.govt.nz>
Subject: **S 9(2)(b)(ii)** Forum next Thursday - the plan

Kia ora koutou,

Camilla and I just had our pre-forum call with **S 9(2)(a)** **S 9(2)(a)**.

Isabelle – I thought you may have some questions or input from your perspective about Kindergartens hence your inclusion in this email, please ignore if not relevant!

When is the forum and what is the agenda:

The forum is next Thursday the 22nd and we are on the agenda from 12 to 12:30. They have a facilitator for the day and the other parts of the agenda are:

- The Minister is on in the morning (speaking about his vision for the future of ECE) followed by a reflection session on planning they did in May of this year to see what needs to change,
- followed by Shamubeel Equb,
- followed by us,
- after lunch the rest of the day will be brining all of the morning parts together.

What is the forum:

S 9(2)(b)(ii)

Who will be there:

There will be a mix of representatives from the **S 9(2)(b)(ii)** associations – and approximately 35 people in the room. They will be a mix of Governance Board members (who will be predominantly parents with a range of backgrounds) as well as CEs of the associations, managers and leadership team members. All are “keen to contribute to the conversation.” **S 9(2)(b)(ii)** is going to send us through some more information / background on the **S 9(2)(b)(ii)** associations and **S 9(2)(b)(ii)** who will be in the room.

Have we talked to them before and pre-reading / preparation:

Me and Kerry had an engagement with S 9(2)(a) and a few operational members of her team – S 9(2)(a), which I think is one of the associations. The notes of that engagement are here: Outside of scope

Outside of scope and a follow up email we received from one of the meeting is attached.

They also submitted on the terms of reference attached (the long number document, apologies should rename it!)

And we received the S 9(2)(b)(ii) submission today, also attached.

What are their main issues / interests:

Further consideration of their submission will be needed by all of us before next Thursday. The things that came up in our call today:

- there is alarm and concern about the review and its direction and “reassurance would be excellent”. One of the things from their submission that will need to be corrected is their understanding that the purpose of regulatory framework, as found in the primary legislation, is not up for debate as part of the review.
- In very high-level summary, their position is that the regulatory framework is broadly fit for purpose, and its implementation (including and perhaps particularly the inter and cross agency matters) is where the biggest issues lie. Additionally, that their position is that the review is an opportunity to improve the regulations beyond the current minimum standards.
- Their submission has a series of recommendations – I strongly suggest you look at them on Monday.

S 9(2) suggested that our time could be used to provide reassurance, tell them what we could in terms of early themes and where our thinking was at and discuss the matters raised in their submission further and test ideas.

What will we do for our 30 minutes at the forum?

I will set up a pre-meet for us on Tuesday. 30 minutes is tight. I think the attendees should be me, Alex, Claire, and then a leadership representative of Bryan or David. My suggestion for our half our is:

- Maximum 5-minute introduction from leadership representative that covers what the review is doing, its scope and where we currently are (the ‘reassurance’ piece but also correcting the scope understanding)
- We have four tables (8 people per table) and we each run a planned 20-minute discussion around areas of their submission.
- Maximum 5-minute Q and A with leadership representative.

My view is that we will not be doing any testing of thinking, but please let me know if you think that is not correct.

Decisions needed:

- Whether David or Bryan will front
- Detail of discussions / agenda or a different approach if this is not preferred.

Ngā mihi nui,

R00579

Hannah McGlue

Early Childhood Education Sector Review

Ministry for Regulation Establishment Unit

waea pūkoro: **S 9(2)(a)** | imēra: hannah.mcglue@regulation.govt.nz



**Ministry for
Regulation**

2. Notes from visit to § 9(2)(b)(ii), 21 August 2024

ECE service name		§ 9(2)(b)(ii)
Visit date and time		Wednesday 21 August, 1030am-1230pm
Service type		Kindergarten
Setting (eg urban, provincial)		Urban
Attendees	MfR	Claire Whelen
	Service	§ 9(2)(a) (Senior Teacher), also met 3-4 other teachers present on the day
Visit number/code		

Observations / Comments / Insights / Follow-ups

Record any relevant or interesting observations, comments, insights or follow-ups you have during your visit. Ensure no staff, teachers, children or parents are able to identified or attributed through your notes.

Notes based on brief discussions with [senior teacher] while children eating lunch, and with [senior teacher] in the staffroom:

- Morning checklists – understand the reason for it, can feel excessive, used to be something that teachers would just do automatically, but recognise that nature of the sector has changed.
- Format of licensing criteria – not very user friendly that cannot print the requirement and the guidance together easily – would like to be able to do this to support new teachers etc.
- MoH document re cutting food up – understand why, but note that it limits the range of possible food.
- Generally comfortable with the regulations. The only issue is application on the ground – different views from different agencies, different MoE regions have different things that they really focus on.
 - Eg Door handle issue – they take turns changing the height at a facility they share with a council; around \$700 each time.
- Teachers and services will be more likely to follow reqs if they understand why – eg recent discussion on the rationale for the temp requirement.

- Difference in fees between kindergartens and private centres? Comes back to philosophy – they want children to have access to quality ece , all money they receive goes back into services (staff + resources), they don't have to provide returns to shareholders – that's the difference.

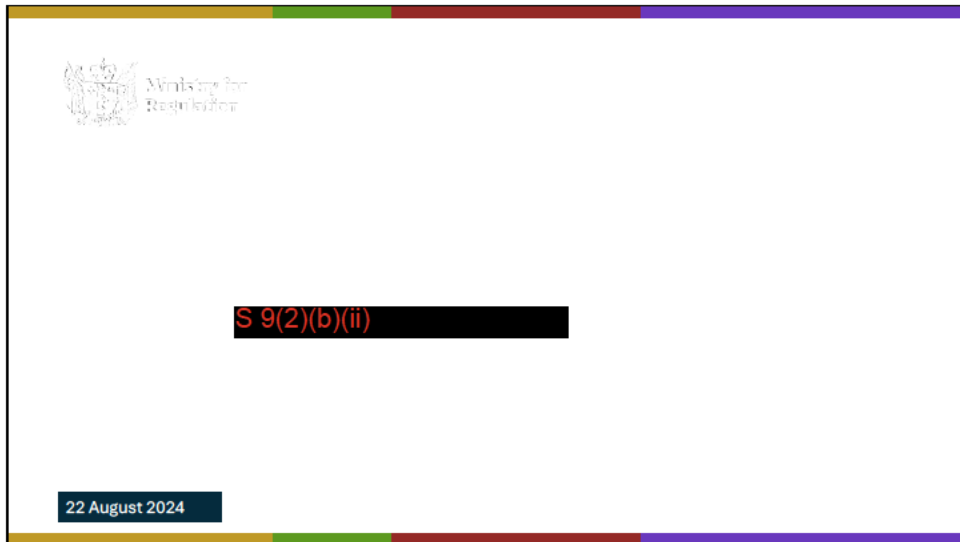
Observations:

- Large indoor and outdoor space – meant that children could play with others or by themselves, very calm atmosphere.
- Teachers – all actively extending, scaffolding learning, using multiple languages, very caring, good relationships with children and each other.
- Mat time – on the floor, just before lunch.
- Kitchen – off to the side with door, but still very visible.
- Lunch – 1 teacher per table. Children bring food from home.

Organised a follow-up meeting with S 9(2)(b)(ii) to try and understand more about how the fees are able to be so much lower in kindergartens than they are in private centres.

3. Regulatory Review into Early Childhood Education – presentation to **S 9(2)(b)(ii)**
David Wansbrough

Slide 1



Slide 2



Slide 3




Slide 4

What are the problems (or gaps)?

Is regulation the best way to address these problems?

What are the costs and benefits of the regulations?

Are the regulations working?


 Ministry for Regulation

Slide 5

<p>APPROACH:</p> <ul style="list-style-type: none">• Compare to what would happen without any government involvement• Haven't pre-determined the results; will let the analysis lead us to conclusions• Separate the problems from solutions• Able to step back from the existing system and ask challenging questions (why...?)• Not based on listening to only certain voices (or the loudest ones)...but we want to know what's important and recognise the diversity• Working <u>with</u> the policy and regulatory agencies	<p>NOT LOOKING AT:</p> <ul style="list-style-type: none">• Funding levels• Curriculum content• Complaints about individuals or specific providers• Issues that are the same for all businesses or organisations
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Slide 6



How to contact us:

- Our website is www.regulation.govt.nz
- You can submit your feedback into our engagement hub (via our website)
- You can email us at reviews@regulation.govt.nz
- You can find us on LinkedIn – Ministry for Regulation

Task for you...

Individual work (5 mins)

- Using the post-it notes, describe any challenges you have found in the interpretation and application of ECE and wider regulations? (1 issue per post-it note)

Group work (10 mins)

- Explain your post-its to your group
- Group similar post-its together on the poster paper

