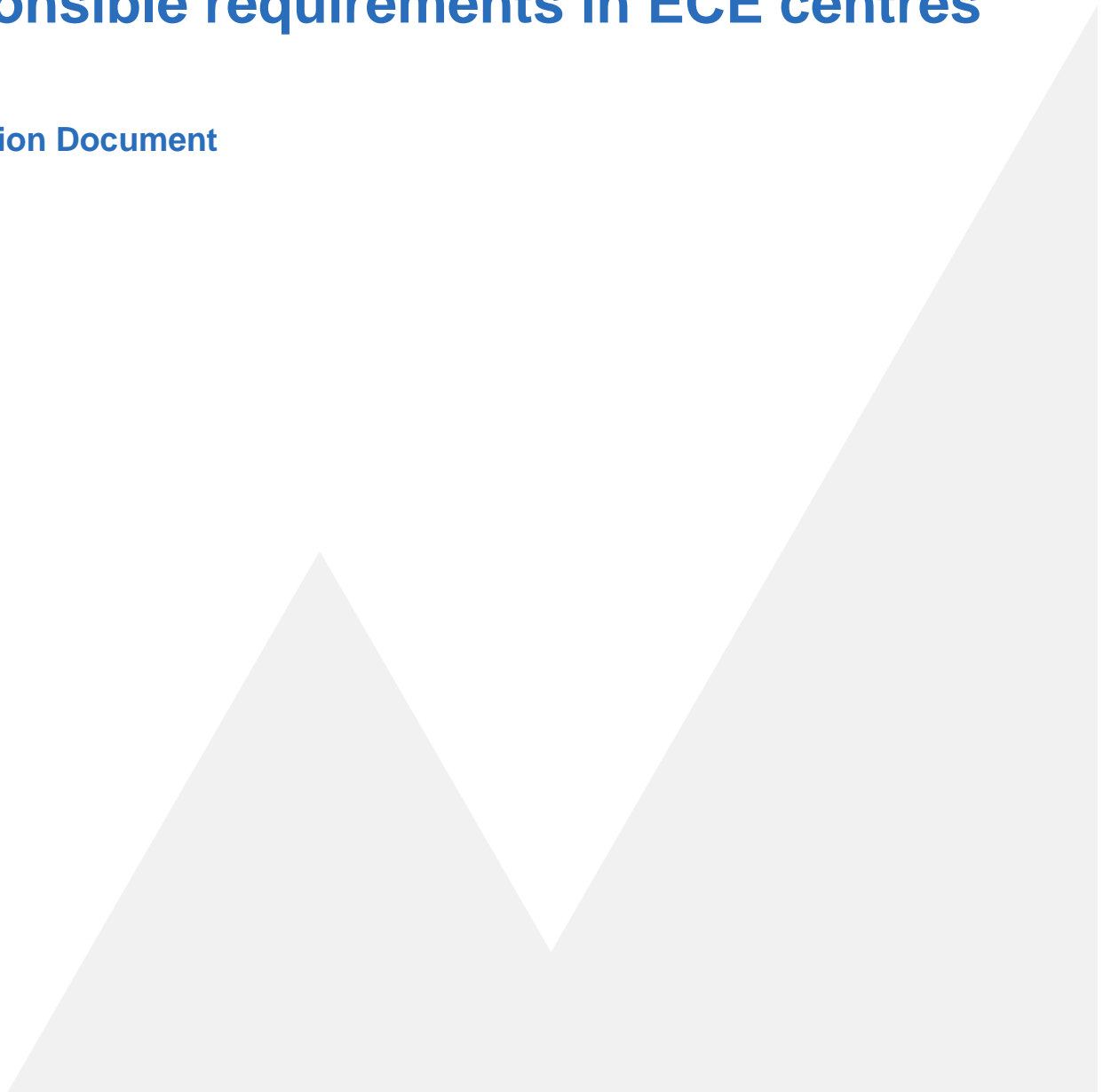




Have your say regarding the person responsible requirements in ECE centres

Discussion Document



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Who is a person responsible?

1. The Education (Early Childhood Services) Regulations 2008 require a person responsible to be in charge of the day-to-day education and care, comfort, and health and safety of children in teacher-led, centre-based services (centres).¹ This includes supervising children and other teaching staff at all times.
2. All licensed early learning centres need one person responsible for every 50 children in attendance during licensed hours.
3. Any ECE qualified teacher can be a person responsible, with the role often being rostered amongst eligible staff.

Qualified teachers, regulations and the current funding system

4. The current funding system was introduced in July 2005, with higher funding rates available to centres using higher proportions of certificated teachers.
5. Following *Pathways to the Future: Ngā Huarahi Arataki*,² the government required centres to employ at least 50% ECE qualified teachers.³ More recently, the draft Strategic Plan for Early Learning recommended regulating for 80% qualified teachers in centres.
6. Since November 2010, services have been able to use certificated ECE and primary teachers for funding purposes. This change was designed to increase teacher supply and ease pressure on centres so that they could access higher funding rates, whilst continuing to use primary and ECE qualified teachers. However, to comply with the Regulations, centres still need 50% ECE qualified staff, which includes a person responsible.
7. In 2018, there were 1,221 primary qualified teachers teaching in centres, comprising approximately 4.5% of all certificated teachers in centres.

The government is thinking about changing the Education (Early Childhood Services) Regulations to enable primary qualified teachers to be the person responsible in ECE centres

8. The government is committed to stimulating teacher supply and alleviating pressure on centres having difficulty recruiting ECE qualified teachers. Some peak bodies suggested that allowing primary qualified teachers to act as a person responsible during designated periods of the day would ease pressure on centres.

¹ Education (Early Childhood Services) Regulations 2008, regs 3, 44(1)(d) and sch 1. This definition does not include hospital-based education and care services.

² The 10-year strategic plan for ECE, *Pathways to the Future: Ngā Huarahi Arataki*, was launched in 2002.

³ Education (Early Childhood Services) Regulations 2008, reg 44(1)(a) and sch 1. The 50% requirement came into force on 31 December 2007.

9. Under current settings, ECE qualified teachers provide centres with more flexibility than other staff because they can act as a person responsible and be used for the 50% requirement.
10. Primary qualified teachers can only become a person responsible in centres if they complete further study and obtain an ECE teaching qualification.⁴ This means centres are solely dependent on ECE qualified teachers for the person responsible role.
11. Technically, any staff member can open and close a centre, but a person responsible must supervise children and other teaching staff at all times while children are present. This means that in practice a person responsible needs to be present at all times. For example, a primary qualified teacher is able to open a centre and set it up for the day, but the person responsible must be at the centre by the time the first child arrives. Similarly, a primary qualified teacher can educate and care for the last few children attending a centre, although a person responsible must supervise them during these periods. This restricts centres' flexibility with employees and could narrow the working hours available to all teaching staff, particularly primary qualified teachers.
12. While regulated adult:child ratios only require one adult to cover a small number of children, it is best practice to have at least two staff members rostered at all times. This is important in case of emergencies, and to ensure that staff have time to talk to parents as they drop off and collect their children. Many services will also have child protection policies about adults being alone with children, which means they will roster more than one staff member at the beginning and end of each day.

We want your views on whether primary qualified teachers should be able to be a person responsible

13. We have identified two options:

- allow primary qualified teachers to be a person responsible in centres for designated hours of the day
- allow primary qualified teachers to be a person responsible in centres at all times.

14. No changes are proposed to the person responsible requirements for playcentres, ngā kōhanga reo, and home-based and hospital-based services.

Option One – Allow primary qualified teachers to be the person responsible in ECE centres for designated periods

15. Primary qualified teachers would have the opportunity to be a person responsible for designated periods of the day. The periods would be determined by Cabinet and are proposed to be restricted to the first and last 90 minutes of licensed hours. This is the government's preferred option.
16. This option should provide centres with more flexibility at the start and end of licensed hours. The number of children attending at the beginning and end of the day are typically lower than in the middle of the day. As a result, centres tend to have fewer staff working during these periods in order to meet minimum ratio requirements.

⁴ The fastest way for a primary qualified teacher become an ECE qualified teacher is to get a Graduate Diploma of Teaching, which typically requires one year of full-time study or two years of part-time study.

17. Under this option, primary qualified teachers would not be able to act as a person responsible in the middle of the day, when a higher number of children and staff are present. It ensures that for the majority of the day the person responsible has in depth knowledge of ECE pedagogical approaches and teaching practice, particularly for infants and toddlers.
18. This option would also provide services with a greater degree of flexibility in rostering teaching staff.
19. Under this option, services would need to actively monitor the limited number of hours a primary qualified teacher can work as a person responsible.⁵ It could be difficult for centres to comply with the Regulations in circumstances out of their control, such as when a person responsible needs to leave early because of an emergency.

Option Two – Allow primary qualified teachers to be the person responsible in ECE centres at all times

20. This option would allow primary qualified teachers to be a person responsible on a full-time basis, which would provide centres and teachers with more flexibility.
21. Under this option, it would be easier for services to comply with the Regulations because they would not need to actively monitor the limited number of hours a primary qualified teacher works as a person responsible. For example, if an ECE qualified teacher arrived late to work due to unforeseen circumstances the centre would not breach the Regulations provided they still met minimum adult:child ratios.
22. There is a small risk that this option will reduce the proportion of ECE qualified teachers working in the sector over the long term. This is because prospective ECE teachers may choose to pursue a primary qualification because it will expand their long term career options. If this risk materialises, it could impact on pedagogy used in centres and what is considered best practice. However, the 50% qualification requirements ensures that ECE qualified staff will always comprise at least half of employed staff.

Questions

- i. Should a primary qualified teacher be eligible to work as a person responsible?
- ii. Do you prefer option one or option two? Why?
- iii. For option one, do you think 90 minutes is a sufficient period of time or would a different restricted period be more appropriate?
- iv. How do you think these two options will affect the quality of provision in centres?
- v. Are there any other options you think that we should look at?
- vi. If you own or manage a centre, how likely is it that you will use a primary qualified teacher as a person responsible?

⁵ Any failure to roster on the correctly qualified person at the right time will lead to a breach of regulations with potential compliance implications.

How to have your say

We need to hear what you think about the options in this document no later than 20 October 2019. You can complete a short survey at <https://consultation.education.govt.nz/ece/person-responsible-in-ece/>.

However, if you wish to provide more detailed feedback, you can send your submissions to either legislation.consultation@education.govt.nz or this postal address:

Legislation Consultation
Ministry of Education
PO Box 1666
Wellington 6140
New Zealand

Your submissions will become public information. This means that a member of the public may ask for a copy of your submission from us under the Official Information Act 1982. Any submission summary we create as a result of this consultation may also mention your submission.

Please tell us if you do not want your name included in any submission summary.

Further information

If you have any questions about making a submission, or would like more information, please email legislation.consultation@education.govt.nz



We **shape** an **education** system that delivers
equitable and **excellent outcomes**

He mea **tārai** e mātou te **mātauranga**
kia **rangatira** ai, kia **mana taurite** ai ōna **huanga**