
REPORT 7
(1215/52/IM)

SUBMISSION: PROPOSED LICENSING CRITERIA FOR CENTRE-BASED EARLY CHILDHOOD EDUCATION SERVICES

1. Purpose of Report

To seek Committee approval on a submission to the Ministry of Education regarding proposed licensing criteria for centre-based early childhood education services.

2. Recommendations

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Agree to the submission attached at Appendix One, subject to any amendments recommended and agreed by the Committee.*
- 3. Agree to delegate to the Social Portfolio Leader and Chief Executive the authority to make any minor drafting changes before forwarding the submission to the Ministry of Education.*

3. Background

In 2004 Central Government released the Early Childhood Education Strategic Plan - *Pathways to the Future: Nga Huarahi Arataki*. The plan signalled a review of the regulatory framework associated with early childhood education (ECE).

In May 2006 the Ministry of Education released for consultation three sets of proposed licensing criteria (for centre-based, home-based and hospital-based ECE services) and one set of proposed certification criteria for playgroups (that apply for government funding). The criteria outline day-to-day requirements that ECE services and playgroups will be required to meet to comply with education and care standards outlined in regulations.

During the first round of consultation, Council officers met with representatives from the Ministry of Education to express concern about the proposed criteria

for centre-based ECE services. Council officers were particularly concerned about the tension between the proposed criteria for outdoor activity space and resource consent conditions Council imposes on ECE Centres in residential areas.

Feedback received from the Ministry during the first round of consultation led to the total number of criteria being reduced. However, there was no change to the provisions associated with outdoor activity space.

The final phase of consultation began in October 2007 and closed on 30 November. As the final consultation period coincided with the 2007 local body elections, the Ministry of Education has provided an extension for the Council to lodge its submission.

4. Discussion

The proposed licensing requirements for centre-based ECE services lists 98 criteria which centres will be required to adhere to.¹ The criteria cover curriculum, teacher qualifications, ratios, premises and facilities, health and safety, as well as governance, management and administration standards.

The submission attached focuses on the proposed licensing criteria for centre-based services only – specifically the impact on Council's resource consents process. Licensing criteria for home-based/hospital based services and certification criteria for playgroups have not been included because they do not impact on Council's legislative powers in the way that the centre-based criteria does.

4.1 Resource Consent Implications

Under the Resource Management Act (RMA), Wellington City Council is required to manage land use and development within the city through the District Plan process. The District Plan contains rules about different types of activities in different parts of the city.

The conditions Council places on childcare centres focus on noise minimisation, and balance the obligations Council has under the RMA to ECE Centres and the surrounding community. Conditions restrict such things as the use of trikes (with hard plastic wheels) and percussive toys in outdoor play areas, and often require acoustic fences and ground covers. In the past Council also included conditions relating to the number of children allowed outdoors at one time.

¹ Centre-based ECE services are defined as ECE services that operate from specified premises and licensed in accordance with the Education Act 1989 under the Education (Early Childhood Centres) Regulation 1998. These services have a variety of operating structures, philosophies and affiliations, and are known by many different names including childcare centres, crèches and preschools, kindergartens, playcentres, Pacific Island language nests and Te Kohanga Reo.

The proposed licensing criteria for centre-based ECE services state that outdoor activity space must not be unduly restricted by resource consent conditions with regards to its use by children during hours of operation.² The Ministry notes that the number and 'severity' of such conditions can impact on whether or not the Ministry considers licensing requirements can be adequately met.³

This criterion may affect Council's ability to approve resource consents for childcare centres in residential areas and could have serious implications for future ECE services in Wellington.

If noise associated with an ECE Centre in a residential area can not be limited through consent conditions, the likelihood of the consent needing to be notified is increased - making it more expensive and potentially harder for early childhood centres to receive a consent. The change will also have implications for a small number of early childhood centres in the Wellington area which already have this kind of condition included. To meet the Ministry's requirements, these centres will have to go through a change of conditions process, and in some cases, the change will need to be notified.

Overall, it is considered that the new criteria may reduce the number and size of childcare centres that can be located within residential areas in Wellington city.

4.2 Compliance Costs

In formulating the proposed criteria, the Ministry of Education has been careful to maintain a balance between ensuring that:

- i) a reasonable standard of education and care is met; and
- ii) the associated compliance cost on the ECE sector is manageable.

However unless the Ministry is able to provide funding to meet compliance costs, Council is likely to receive funding requests for facilities and equipment upgrades – potentially from ECE's located on or in Council land and buildings.⁴ While it is appropriate to support community based organisations such as ECE Centres through the grants process, the Council is not in the business of providing funding to meet regulatory requirements imposed by central government policy.⁵

This issue touches on a wider concern outside the bounds of the current consultation - specifically the Ministry's allocation of discretionary grants to community-based providers on community-owned land.

² Criteria PF 16; Proposed Licensing Criteria for Centre-based ECE services.

³ The Education Act 1989 requires all ECE centres to be licensed by the Secretary of Education; it is illegal to operate any premises as an early childhood centre without a licence, unless specifically exempted from this requirement by the Minister of Education.

⁴ Currently, 29 licensed ECE services operate from Council owned land/buildings.

⁵ The Council supports ECE services through the grants process because of the contribution they make to Wellington's social infrastructure, and because securing funding for specific capital projects for large purchase can be difficult.

Expecting local authorities to meet all the land and building needs for new community-based ECE facilities is unrealistic, particularly in high-value metropolitan areas where land holdings are limited. Positively Poneke Kids Crèche is a case in point. In 2006, the Crèche was required to move from their current premises in Civic Square to allow redevelopment of the City Gallery Wellington. Unfortunately, there were no alternative Council-owned buildings available for the Crèche to relocate into in the CBD. While the crèche did find alternative premises in a privately-owned building, the fact that the building was not community-owned prevented them from receiving discretionary grants funding from the Ministry to convert the premises. Positively Poneke Crèche had to close as a result.

Some recognition of the barriers and disincentives to provision created by Government and Ministry operational policies is needed. Although this issue is outside the bounds of the current consultation, Council officers believe that its inclusion in the attached submission is justified.

5. Conclusion

The Ministry has provided Council with an extension to submit on the proposed licensing and certification criteria for ECE services. This is the last phase of consultation, and the final opportunity for Council to influence decisions about the criteria and impact on Council's Resource Consent conditions.

A submission has been prepared and is attached at Appendix One for Committee approval.

The proposed licensing and certification criteria for ECE Services will not directly affect the Draft Early Childhood Education Centres Policy, which is currently being finalised for consultation with the ECE sector. The draft policy will be presented to Councillors in early 2008.

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Supporting Information

1) Strategic Fit / Strategic Outcome

Consistent with Council's social and Recreation Strategy, and Urban Development Strategy.

2) LTCCP/Annual Plan reference and long term financial impact

Not applicable.

3) Treaty of Waitangi considerations

Not applicable

4) Decision-Making

This submission is important as the Ministry of Education's proposed licensing criteria for Early Childhood Centres may:

- i) affect Council's ability to approve resource consents for childcare centres in residential areas; and subsequently*
- ii) reduce the number and size of childcare centres that can be located within residential areas in Wellington city.*

5) Consultation

a) General Consultation

Not applicable.

b) Consultation with Maori

Not applicable.

6) Legal Implications

Nil.

7) Consistency with existing policy

Consistent with the District Plan.