

Education (Early Childhood Services) Amendment Regulations 2025

October 2025



New Zealand Council Of
Christian Social Services

Tirohanga Whānui | Overview

The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on the Education (Early Childhood Services) Amendment Regulations 2025. We support the kaupapa to enable graduated tools to enforce compliance with Early Childhood Education (ECE) regulation but make the following recommendations to improve how this regulation upholds children's wellbeing.

Taunakitanga | Recommendations

Our main points are:

Section 4: Regulation 15 amended (Director of Regulation may reclassify licence as provisional licence)

Is the new threshold for reclassification clear and easy to understand?

NZCCSS supports the government's view that the current regulatory tools are too blunt and increased flexibility to allow for differing situations of non-compliance is needed. Currently the process of remedying issues and being re-approved as compliant can take longer than desired by ECE centres. NZCCSS hopes that having graduated tools rather than the current binary approach to licensing will increase the effectiveness of regulation across the variety of situations and severities of non-compliance. The graduated response approach is more suitable for situations where there are minor non-compliance issues and where issues can be resolved promptly.

We recommend that greater clarity is provided to the sector regarding:

- The types of non-compliance situations that would relate to each tool is provided as this is currently unclear.
- Situations that would be considered significant and continue to result in an immediate reclassification of a centre's license. We support immediately reclassifying a license as provisional in situations of serious non-compliance or in situations where a centre (or organisation) is aware of non-compliance of a serious nature and does not address it. An example would be where a teacher or parent has raised a serious non-compliance with a centre manager or organisation and there has been no response, leading that teacher or parent to bring it to the attention of the regulator.
- The difference between a record of non-compliance and a formal warning.
- Whether the graduated response means that any non-compliance would result in a record of non-compliance being kept, noting the importance of reviewing incidences of non-compliance over time.

- It unclear who would pay for engaging or employing specialist help if this tool is applied to a centre. We recommend that this be at a centre's expense so that government funds for strengthening the ECE sector would benefit all centres.

What implementation considerations (if any) do you think need to be made for these amendments?

One challenge noted by a member was the inconsistency in which regulatory tools are currently applied, meaning that some services may be treated more harshly than others for non-compliance without a clear rationale for differing approaches. We recommend that consistency be upheld within the proposed regulatory changes.

What unintended consequences (if any) do you think could arise from these amendments?

We recommend that guidance be provided to the sector as to how the government will be assured that centres are compliant and whether any additional assurance processes will be implemented aside from scheduled ERO reviews and/or complaints from parents or caregivers. We note that there is currently a risk of non-compliance over significant periods and query whether the proposed changes will improve this.

What impact (if any) do you think these amendments will have for the health and safety of children attending and participating in ECE?

We recommend the following additions to the proposed changes to support the health and safety of children attending and participating in ECE:

1. Addition of an enforcement tool that enables regulators to suspend or cancel a license if there is a record of frequent non-compliance, such as when certain numbers of non-compliance incidences of a certain severity have occurred over a period of time.
2. Addition of tools to enable enforcement at organisation-level, rather than centre-level, where organisations have multiple centres with non-compliance. This is a gap in the current legislation which limits the responsibility placed on organisations that have multiple non-compliant centres or frequent non-compliance within their network, and should be addressed as part of current efforts to improve legislation. From a child wellbeing perspective, greater onus should be placed on organisations to ensure their centres are compliant.

Section Twelve: New regulation 59A inserted (Director may give public notice, or inform parents and caregivers of, investigation of complaint or incident)

What implementation considerations (if any) do you think need to be made for these amendments?

Do you think this amendment will increase transparency for parents and caregivers about investigations into complaints or incidents that are undertaken by the Director of Regulation?

NZCCSS agrees that families should be notified where a license is reclassified to support transparency. We suggest that best practice is that this communication comes from the centre directly in advance of any notification from the Director of Regulation.

Ko wai tātou | Who we are

NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.

Through this membership, NZCCSS represents over 100 organisations providing a range of social support services across Aotearoa. Our mission is to call forth a just and compassionate society for Aotearoa, through our commitment to our faith and Te Tiriti o Waitangi.

Further details on NZCCSS can be found on our website - www.nzccss.org.nz.

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