

J HOSPITAL-BASED EDUCATION AND CARE SERVICES

J1 EDUCATION AND TRAINING ACT 2020

J1.1 OVERVIEW/INTERPRETATION

SOURCE: sections 10,16 to 27 Part 2 Education and Training Act 2020, Education (Early Childhood Services) Regulations 2008

Section 10 - Interpretation

early childhood service means an early childhood education and care centre, a home-based education and care service, or a hospital-based education and care service

hospital-based education and care service means the provision of education or care to 3 or more children under the age of 6 years who are receiving hospital care within the meaning of [section 4\(1\)](#) of the Health and Disability Services (Safety) Act 2001

licensed hospital-based education and care service means a hospital-based education and care service in respect of which the service provider holds a current licence issued under regulations made under [section 636](#)

service provider means each of the following:

- (a) in relation to an early childhood education and care centre, the body, agency, or person who operates the centre:
- (b) in relation to a home-based education and care service, the body, agency, or person who provides, or offers to provide, that education or care:
- (c) **in relation to a hospital-based education and care service**, the body, agency, or person who provides that education or care:

Section 16 - Certain other service providers may be licensed

A service provider who provides a home-based education and care service or a hospital-based education and care service may, but need not, be licensed in accordance with regulations made under [section 636](#) in respect of the service.

Section 17 - Ministerial approval required for licensing application

(1) Despite [sections 15](#) and [16](#), a person must apply to the Minister for approval to apply for a licence to operate—

(a) a licensed early childhood education and care centre:

(b) a licensed home-based education and care service:

(c) a licensed hospital-based education and care service.

(2) The Minister may grant approval, but, before doing so, must take into account—

(a) the relevant attributes of the area to be served, including (without limitation) the demography of the area, the needs of the communities in the area, the needs of the children in the area, and the availability of services in the area with different offerings (for example, the provision of te reo Māori); and

(b) the suitability of the applicant and of every person involved in the governance of the proposed service, which, as a minimum, requires the Minister to determine whether each person—

(i) is a fit and proper person; and

(ii) has obtained a satisfactory Police vet for the purposes of the application; and

(c) the applicant's financial position; and

(d) the licensing history of—

(i) any other early childhood services previously or currently owned, operated, or managed by, or otherwise connected with, the applicant; and

(ii) every person involved in the governance of the proposed service.

(3) If the Minister considers this information insufficient to decide whether to grant approval, the Minister may ask the applicant to supply more information.

(4) The applicant may not apply for a licence without the Minister's approval.

(5) Approval to apply for a licence is irrelevant to the granting of a licence (as a licence may only be granted in accordance with regulations made under [section 636](#)).

(6) An approval expires 2 years after the date on which it is given; however, the Minister may, on application before the expiry, extend the expiry date if the Minister thinks fit to do so in the circumstances.

Section 18 - Persons approved to apply for licence must be fit and proper

(1) In assessing whether a person is a fit and proper person to be granted approval to apply for a licence under [section 17](#), the Minister must take into account whether the applicant—

- (a) has been convicted of any offence involving harm to children, violence, or fraud:
- (b) has any health conditions that may affect the applicant's ability to comply with this Act and the terms of the licence:
- (c) is, or has been, subject to a property order or personal order under the Protection of Personal and Property Rights Act 1988:
- (d) owes, or has owed, money to the Crown, including in respect of bodies that the applicant has been involved in managing:
- (e) has been adjudicated bankrupt under the [Insolvency Act 2006](#) or the [Insolvency Act 1967](#):
- (f) has been prohibited from being a director or promoter of, or being concerned or taking part in the management of,—
 - (i) a company under the [Companies Act 1993](#); or
 - (ii) any other body corporate:
- (g) has, or has had, any role as a governing member of an entity or organisation that became insolvent, including being placed in liquidation, receivership, or voluntary administration:
- (h) is, or has been, subject to any prohibition against acting as an employer or an officer of an employer under the [Employment Relations Act 2000](#):
- (i) has had previous involvement in an early childhood service in respect of which—
 - (i) an application for a licence was refused; or
 - (ii) a licence was suspended or cancelled.

Section 22 - Records

The service provider of a licensed early childhood service must keep, and make available to the Secretary on request,—

- (a) a register of the children who attend or have attended the service, specifying the date of birth of each; and
- (b) a record of the attendance of children at the service; and

(c) a record of all fees and other charges paid in respect of children’s attendance at the service; and

(d) evidence that parents of children attending the service have regularly examined the attendance record; and

(e) any other records that are necessary to enable the service’s performance to be monitored adequately

Section 23 - Curriculum frameworks

(1) The Minister may prescribe or change a curriculum framework for—

(a) licensed early childhood services:

(b) certified playgroups.

(2) The Minister may prescribe or change a curriculum framework only if the Minister has consulted with organisations that the Minister considers represent those likely to be substantially affected by the framework or change.

(3) As soon as practicable after prescribing or changing a curriculum framework, the Minister must give notice in the *Gazette*—

(a) stating that the framework has been prescribed or changed; and

(b) setting out the framework or change, or stating where a copy of the framework or change can be obtained.

(4) The notice may specify—

(a) different commencement dates for different provisions of the curriculum framework or for different purposes; and

(b) a transitional period during which service providers may elect to comply with another specified curriculum requirement.

(5) A service provider must implement any applicable curriculum framework in accordance with any regulations made under [section 636](#) or [637](#).

Section 24 - Prohibition on corporal punishment and seclusion in early childhood services

(1) A person must not—

(a) use force, by way of correction or punishment, toward a child enrolled at or attending an early childhood service; or

(b) seclude a child enrolled at or attending an early childhood service.

Education Review Office: Handbook for Early Childhood Services

September 2020

(2) In this section, **person** means an individual who—

(a) is employed or engaged by a service provider of an early childhood service; or

(b) is supervising or controlling a child on behalf of a service provider of an early childhood service; or

(c) owns, manages, or controls an early childhood service.

Section 25 - Police vetting in respect of early childhood services

A service provider of a licensed early childhood service must obtain Police vets of non-teaching and unregistered employees, contractors, and other adults in accordance with [Schedule 4](#).

Education (Early Childhood Services) Regulations 2008

Regulation 3 – Interpretation

early childhood service has the same meaning as in [section 10\(1\)](#) of the Act

educator, in relation to a licensed home-based education and care service, means the person who—

(a) provides education and care and comfort directly to children in his or her care; and

(b) attends to the health and safety of those children

licensed hospital-based education and care service has the same meaning as in [section 10\(1\)](#) of the Act

person responsible means,—

(b) in relation to a licensed hospital-based education and care service, the person or persons who—

(i) have primary responsibility for—

(A) the education of children participating in the service; and

(B) ensuring supervision of children in the activity room used as part of the service; and

(ii) support the health and safety and care of the children

service provider has the same meaning as in [section 10\(1\)](#) of the Act

Licensing

Education Review Office: Handbook for Early Childhood Services

September 2020

- 5 Applications for licences
- 6 What details must be included in applications
- 7 Applicant must make statutory declaration
- 8 Fit and proper persons

Regulation 9A - Additional requirement where application relates to hospital-based education and care service

Every application for a licence to operate a hospital-based education and care service must be accompanied by evidence satisfactory to the Secretary that the hospital-based education and care service complies with the requirements of [regulation 20A](#) (which relates to premises).

Regulation 20A - Requirements for premises of centre and hospital-based education and care service

(1) Before granting any licence for a centre or hospital-based education and care service, the Secretary must be satisfied that the premises comply with this regulation.

(2) The premises must—

(a) be situated on a single site; and

(b) be for the exclusive use of the centre or the hospital-based education and care service.

(3) If the premises comprise 2 or more components,—

(a) each component must be immediately adjacent and connected to at least 1 other component; and

(b) children must have safe access to each component.

(4) In this regulation,—

component means any land or building that forms part of the premises

premises means the premises from which the the hospital-based education and care service will be provided

Regulation 21 - Kinds of licence

Every licence must be—

(a) a licence to operate a centre; or

Education Review Office: Handbook for Early Childhood Services

September 2020

(b) a licence to provide a home-based education and care service; or

(c) a licence to provide a hospital-based education and care service.

Regulation 22A - Limitations for centres and hospital-based services providing services for children under 2 years

(1) This regulation applies in respect of—

(a) early childhood education and care centres; and

(b) hospital-based education and care services.

(2) No more than 25 children under 2 years may attend any centre or hospital-based education and care service at the same time without the Secretary's approval (which may be given under subclause (3)).

(3) The Secretary may approve up to 75 children under 2 years to attend any centre or hospital-based education and care service at the same time if—

(a) the centre or hospital-based education and care service is providing or intends to provide its services exclusively for children under 2 years; and

(b) the Secretary is satisfied that all the children will be adequately cared for; and

(c) the Secretary is satisfied that the centre or hospital-based education and care service is able to maintain a ratio of 1 adult to every 5 children (as indicated in [Schedule 2](#)) with the increased number of children.

Regulation 23 - Limitation on mixed ages in centres and hospital-based services

(1) This regulation applies in respect of—

(a) early childhood education and care centres; and

(b) hospital-based education and care services.

(2) If children aged under 2 years and 2 years or over attend the same centre or participate in the same hospital-based education and care service, no more than 50 children may attend at the same time without the Secretary's approval.

(3) The Secretary may approve, for any centre or hospital-based education and care service intending to have a mixture of children aged under 2 years and 2 years or over, a maximum roll of 150 if—

(a) the number of children under 2 years who will be attending does not exceed 75; and

(b) the Secretary is satisfied that the service will be organised in a way that—

(i) ensures all the children will be adequately cared for; and

(ii) reflects the different needs of the children attending.

(4) The Secretary may at any time, by notice in writing to the service provider, withdraw or amend an approval given under subclause (3) if satisfied that it is necessary to do so to ensure that all children will be adequately cared for.

(5) A notice issued under subclause (4) comes into force on a date specified in the notice (being a date that is at least 21 days after the notice is given).

Regulation 24 - Issue of licences

(1) Subject to subclause (2) and [regulations 26, 27](#), and [28](#), licences may be in any form the Secretary thinks fit.

(2) Every licence must state—

(a) the full name of the service provider operating the early childhood service for which the licence is issued and the name of the service:

(b) the full name of the contact person:

(c) if it is a probationary licence, the fact that it is a probationary licence and its expiry date:

(d) if it is a provisional licence, the fact that it is a provisional licence, and the conditions that must be satisfied, and the dates by which they must be satisfied, before a full licence or probationary licence, as the case requires, may be returned:

(e) if it is a full licence, the fact that it is a full licence:

(f) if it is a transitional licence, the fact that it is a transitional licence, the conditions of the licence, and the date of its expiry:

(g) if it is a temporary relocation licence, the fact that it is a temporary relocation licence, the conditions of the licence, and the date of its expiry:

(h) whether the licence has been granted for a centre, home-based education and care service, or hospital-based education and care service:

(i) the maximum numbers of children in respect of which the service is to operate:

(j) the date of issue of the licence:

(k) any special conditions of the licence.

Regulation 27 Additional requirements relating to licences for hospital-based education and care service

- (1) Every licence for a hospital-based education and care service must state—
- (a) the hospital for which the licence is granted:
 - (b) the hours and days of intended operation:
 - (c) whether it is an all-day, sessional, or mixed licence:
 - (d) the maximum number of children who may attend the service at any one time, which may not exceed—
 - (i) 150, if all the children who may attend the service at any one time are 2 years or over:
 - (ii) 25, if all the children who may attend the service at any one time are under 2 years, unless a higher maximum number (not exceeding 75) is authorised by the Secretary under [regulation 22A\(3\)](#):
 - (iii) 50, if children of mixed ages may attend the service at any one time, unless a higher maximum number (not exceeding 150) is authorised by the Secretary under [regulation 23\(3\)](#):
 - (e) that—
 - (i) no children under 2 years may attend the service; or
 - (ii) no children 2 years or over may attend the service; or
 - (iii) children of mixed ages may attend the service.
- (2) Every licence for a hospital-based education and care service relates only to the licensed service provider named in the licence and to the hospital for which it has been issued.
- (3) Nothing in subclause (1)(d) and (e) limits or affects the power of the Secretary to attach to a licence (under [regulation 22\(5\)](#)) conditions relating to the maximum numbers of children or of children of particular ages who may participate in the service at any one time.
- (4) The service provider for a licensed hospital-based education and care service must ensure that at all times the numbers and ages of children comply with—
- (a) the maximum numbers stated in the services' licence under subclause (1)(d) and (e); and
 - (b) any relevant special conditions attached to the licence under [regulation 22\(5\)](#).

Regulation 29 - Effect of licence

(1) The holder of a licence issued under these regulations is the service provider (whether or not the application is made by the service provider in person or another person or persons on behalf of the service provider).

(2) A licence to operate a centre or to provide hospital-based education and care is a licence that applies in respect of the premises or hospital identified in the licence.

(3) A licence to provide home-based education and care—

(a) must authorise the provision of education and care at 1 or more premises; but

(b) need not identify any particular premises at which the education and care is to be provided

Regulation 54 - Miscellaneous variations to operation of minimum standards

(1) A licensed hospital-based education and care service is,—

(a) in relation to any matter covered by requirements in the [Health and Disability Services \(Safety\) Act 2001](#) (the **HDSS Act**) or standards made under or referred to in that Act that are also covered by the requirements of standards imposed by these regulations, deemed to comply with the standards imposed by these regulations if the service complies with—

(i) the requirements of the HDSS Act; and

(ii) any standards made under or referred to in that Act; but

(b) required to comply with standards imposed by these regulations to the extent that they deal with matters not covered in the HDSS Act and any standards made under or referred to in that Act.

(2) The Secretary may direct a service provider to staff a service otherwise than in accordance with [regulation 44\(1\)\(b\)](#) and [Schedule 2](#) by increasing the level or kind of staffing required beyond that required by Schedule 2 if the Secretary considers it necessary to do so, having regard to—

(a) the needs and ages of the children; and

(b) the design and construction of the premises where the service operates.

(3) The Secretary may direct that the outdoor area requirements that apply to a centre under [regulation 45\(1\)\(b\)](#) and [Schedule 4](#) be relaxed in a manner and to an extent specified by the Secretary, or dispensed with, if no child attends the centre for more than 2 hours on any one day.

(4) The service provider of a licensed home-based education and care service must ensure that—

(a) no more than 2 children aged under 2 years receive education and care, as part of the service, in the same home at the same time, unless they are siblings; and

(b) if more than 3 siblings aged under 2 years are receiving education and care, in the same home at the same time, there are 2 educators present.

(5) If there is any inconsistency between this regulation and any of [regulations 41 to 47](#), this regulation prevails.

Regulation 56 - Ill-treatment of children

(1) In order to ensure that the standards set out in this Part are complied with, the service provider of a licensed service and any educator who provides education and care for a licensed home-based education and care service must comply with subclause (2) if the service provider or educator has reasonable grounds to believe that a person employed or engaged in the service, or any other person,—

(a) has physically ill-treated or abused a child or committed a crime against children; or

(b) in guiding or controlling a child, has subjected the child to solitary confinement, immobilisation, or deprivation of food, drink, warmth, shelter, or protection.

(2) The service provider and the educator must ensure that—

(a) the person is excluded from coming into contact with the children participating in the service or, as the case requires, the children being educated by the educator; and

(b) if satisfied that it is necessary to do so to ensure that no child is ill-treated, ensure that the person is excluded from the service and does not enter or remain in any premises where the service is provided while it is being provided, or as the case requires, is excluded from the home and does not enter it or remain in it while the educator is providing education and care.

Regulation 57 - Health and safety of children

(1) In order to ensure that the standards set out in this Part are complied with, the service provider of a licensed service and any educator who provides education and care for a licensed home-based education and care service must comply with subclause (2), if the service provider or educator has reasonable grounds to believe that a person employed or engaged in the service, or any other person,—

(a) is in a state of physical or mental health that presents any risk of danger to children; or

(b) has an infectious or contagious disease or condition.

(2) The service provider and the educator must ensure that—

(a) the person is excluded from coming into contact with the children participating in the service or, as the case requires, the children being educated by the educator; and

(b) if satisfied that it is necessary to do so to ensure that no child becomes ill, ensure that the person is excluded from the service and does not enter or remain in any premises where the service is provided while it is being provided or, as the case requires, is excluded from the home and does not enter it or remain in it while the educator is providing education and care.

(3) This regulation does not apply in respect of a licensed hospital-based education and care service to which the [Health and Disability Services \(Safety\) Act 2001](#) applies.

Vulnerable Children Act 2014 – refer H4 of Handbook

Food safety for ECE services – refer H5 of Handbook

J2 LICENSING CRITERIA

J2.1 LICENSING CRITERIA FOR HOSPITAL-BASED EDUCATION AND CARE SERVICES

SOURCE: Licensing Criteria for Hospital-based Education and Care Services 2008 [Ministry of Education publication]¹

PURSUANT to regulation 41 of the Education (Early Childhood Services) Regulations 2008, the Minister of Education prescribes the following criteria.

- 1 **Title and commencement** – these criteria may be cited as the Licensing Criteria for Hospital-based Education and Care Services 2008.

These criteria came into force on 1 December 2008. Since then, there have been 5 sets of amendments. These took place on 28 August 2009, 21 July 2011, 21 May 2015, 26 February 2016 and 27 May 2016

- 2 **Application** – these criteria apply to all Hospital-based Education and Care services licensed under the Education (Early Childhood Services) Regulations 2008.
- 3 Explanatory information – in these criteria:
 - (a) a copy of the minimum standard in each regulation is set out, followed by the criteria against which compliance will be assessed; and
 - (b) any specific documentation requirements to demonstrate compliance with a criterion are set out below the relevant criterion.
- 4 **Interpretation** – for the purpose of these criteria, unless the context indicates otherwise:
 - (a) **adults providing education and care** means hospital play specialists kaiako, teachers, supervisors, parent helpers, kaiawhina, fa’iaoga, or other adults who have a designated role of providing education and care to children at a service and are included in required adult:child ratios;
 - (b) **assessment** means the process of noticing children’s learning, recognising its significance, and responding in ways that foster further learning. It includes documenting some, but not necessarily all, of what and how children are learning in order to inform teaching, and make learning visible;

¹ [Licensing criteria for hospital-based education and care services 2008](#)

- (c) **culture** means the understandings, patterns of behaviour, practices, and values shared by a group of people;
- (d) **ECE** means early childhood education;
- (e) excursion means –
 - i. being outside the hospital whilst receiving education and care from the service; but
 - ii. does not include an outing for the purposes of emergency evacuations, drills or the receipt of urgent medical attention;
- (f) **parent** means –
 - i. the person (or people) responsible for having the role of providing day to day care for the child; and
 - ii. may include a biological or adoptive parent, step parent, partner of a parent of a child, legal guardian or member of the child’s family, whānau or other culturally recognised family group.
- (g) **philosophy** means a statement that –
 - i. outlines the fundamental beliefs, values and ideals that are important to the people involved in the service – management, adults providing education and care, parents, families/whānau, and perhaps the wider community; and
 - ii. identifies what is special about the service; and
 - iii. is intended to be the basis for decisions about the way the service is managed and about its direction in the future;
- (h) **policy** means a statement intended to influence and determine decisions, actions, and other matters;
- (i) **premises** means the parts of the hospital where children participating in the service receive early childhood education and care;
- (j) **procedure** means a particular and established way of doing something;
- (k) **process** means a goal-directed, interrelated series of actions, events, procedures, or steps;
- (l) **records** means information or data on a particular subject collected and preserved;

- (m) **regulation** means a regulation under the Education (Early Childhood Services) Regulations 2008;
- (n) **required adult:child ratio** means the adult:child ratio with which the service provider is required to comply under regulation 44(1)(b) or any direction by the Secretary under regulation 54(2);
- (o) **service** means a hospital-based education and care service;
- (p) **service curriculum** means all of the experiences, interactions, activities and events – both direct and indirect, planned and spontaneous – that happen at the service. Teaching practices including planning, assessment, and evaluation form part of the service curriculum; and
- (q) **service provider** means the body, agency, or person who or that operates the hospital-based education and care service.

5 Purpose of criteria

- (1) The criteria are to be used by the Secretary of Education to assess compliance with the minimum standards set out under regulations 43 and 45 to 47 of the Education (Early Childhood Services) Regulations 2008.
- (2) Regulations 43 and 45 to 47 impose minimum standards that each licensed service provider is required to comply with and are set out in these criteria so that readers can see how the regulations and criteria fit together.

CURRICULUM

Regulation 43 – Curriculum standard: general

- 1) The curriculum standard: general is the standard that requires every licensed service provider to whom this regulation applies to—
 - (a) Plan, implement, and evaluate a curriculum that is designed to enhance children’s learning and development through the provision of learning experiences and that is consistent with any curriculum framework prescribed by the Minister that applies to the service; and that—
 - (i) Responds to the learning interests, strengths, and capabilities of enrolled children; and
 - (ii) Provides a positive learning environment for those children; and
 - (iii) Reflects an understanding of learning and development that is consistent with current research, theory, and practices in early childhood education; and

- (iv) Encourages children to be confident in their own culture and develop an understanding, and respect for, other cultures; and
 - (v) Acknowledges and reflects the unique place of Māori as tangata whenua; and
 - (vi) Respects and acknowledges the aspirations of parents, family and whānau; and
- (b) Make all reasonable efforts to ensure that the service provider collaborates with the parents and, where appropriate, the family or whānau of the enrolled children in relation to the learning and development of, and decision making about, those children; and
- (c) Obtain information and guidance from agencies with expertise in early childhood learning and development, to the extent necessary, to—
- (i) Support the learning and development of enrolled children; and
 - (ii) Work effectively with parents and, where appropriate, family or whānau.
- 2) Each licensed service provider to whom this regulation applies must comply with the curriculum standard: general.

6 Criteria to assess Curriculum standard

Professional practice

- C1** The service curriculum is consistent with any prescribed curriculum framework that applies to the service.
- C2** The service curriculum is informed by assessment, planning, and evaluation (documented and undocumented) that demonstrates an understanding of children’s learning, their interests, whānau, and life contexts.
- C3** Adults providing education and care engage in meaningful, positive interactions to enhance children’s learning and nurture reciprocal relationships.
- C4** The practices of adults providing education and care demonstrate an understanding of children’s learning and development, and knowledge of relevant theories and practice in early childhood education.

Culture and identity

- C5** The service curriculum acknowledges and reflects the unique place of Māori as tangata whenua. Children are given the opportunity to develop knowledge and an understanding of the cultural heritages of both parties to Te Tiriti o Waitangi.
- C6** The service curriculum respects and supports the right of each child to be confident in their own culture and encourages children to understand and respect other cultures.

Children as learners

- C7** The service curriculum is inclusive, and responsive to children as confident and competent learners. Children’s preferences are respected, and they are involved in decisions about their learning experiences.
- C8** The service curriculum provides a language-rich environment that supports children’s learning.
- C9** The service curriculum provides children with a range of experiences and opportunities to enhance and extend their learning and development – individually and in groups.
- C10** The service curriculum supports children’s developing social competence and understanding of appropriate behaviour.

Working with others

- C11** Positive steps are taken to respect and acknowledge the aspirations held by parents and whānau for their children.

C12 Regular opportunities (formal and informal) are provided for parents to:

- communicate with adults providing education and care about their child, and share specific evidence of the child's learning; and
- be involved in decision-making concerning their child's learning.

C13 Information and guidance is sought when necessary from agencies/services to enable adults providing education and care to work effectively with children and their parents.

Documentation required

Documentation that provides evidence of the service's compliance with criteria C1 – C13. Documentation may take a variety of forms to suit the service's operation (such as portfolios, wall displays, policies and procedures) but must include:

1. A process for providing positive guidance to encourage social competence in children (C10);
2. A process for providing formal and informal opportunities for parents to:
 - communicate with adults providing education and care about their child, and share specific evidence of the child's learning; and
 - be involved in decision-making concerning their child's learning (C12); and
3. A record of information and guidance sought from agencies and/or services (C13).

PREMISES AND FACILITIES

Regulation 45 – Premises and facilities standard: general

- (1) The premises and facilities standard: general is the standard that requires every licensed service provider to whom this regulation applies—
 - (a) To use premises and facilities that, having regard to the number and age range of the children attending the premises, provide sufficient and suitable space for a range of activities, facilities for food preparation, eating, sleeping, storage, toileting, and washing, and sufficient and suitable heating, lighting, noise control, ventilation, and equipment to support—
 - (i) Appropriate curriculum implementation by the service provider; and
 - (ii) Safe and healthy practices by the service provider; and
 - (b) To comply with the requirements of Schedule 4 (which relates to activity spaces).
- (2) Each licensed service provider to whom this regulation applies must comply with the premises and facilities standard: general.

7 Criteria to assess Premises and facilities standard

General

PF1 The hospital from which the service operates has been granted certification under the Health and Disability Services (Safety) Act 2001 either:

- for a period of at least 3 years; or

- for a period of less than 3 years, but the lesser period of certification does not reflect problems identified with requirements relating to the hospital’s premises and facilities that would affect children participating in the ECE service.

Documentation required

1. Copy of the current certificate issued to the hospital under the Health and Disability Services (Safety) Act 2001; and
2. If the certificate denotes a certification period of less than 3 years, a copy of the Corrective Action Plan from the hospital’s Audit Report, showing that failure to meet premises and facilities requirements that affect children participating in the ECE service is not the reason for a shorter certification period being granted.

PF2 A sufficient quantity and variety of furniture, equipment, and materials is provided that is appropriate for the learning and abilities of the children participating in the service.

PF3 All indoor and outdoor items and surfaces, furniture, equipment, and materials are safe and suitable for their intended use.

PF4 There are spaces for the safe storage of equipment and materials.

PF5 There is space for adults working at the service to:

- withdraw from children for planned breaks as appropriate;
- meet privately with parents and colleagues;
- store curriculum support materials; and
- assess, plan, and evaluate.

PF6 There are facilities (other than those used for body wash) or alternative arrangements available for the preparation and cleaning up of paint and other art materials.

ECE Activity Room

PF7 The design and layout of any ECE Activity Room supports the provision of a range of different types of learning experiences that are appropriate to the number, ages, abilities, and specific mobility or treatment needs of the children likely to use it.

PF8 The design and layout of any ECE Activity Room supports effective adult supervision.

PF9 There are safe and comfortable spaces in any ECE Activity Room for infants, toddlers, or children not walking to lie, roll, creep, crawl, pull themselves up, learn to walk, and to be protected from more mobile children.

PF10 Floor surfaces in any ECE Activity Room are durable, safe and suitable for the range of activities to be carried out at the service (including wet and messy play), and can easily be kept clean.

PF11 A telephone or other means of communication is available in the ECE Activity Room to enable adults providing education and care to call for assistance when necessary.

PF12 There are facilities (or appropriate arrangements in place) for hygienic hand washing and drying in any ECE Activity Room.

HEALTH AND SAFETY

Regulation 46 – Health and safety practices standard: general

- (1) The health and safety practices standard: general is the standard that requires every licensed service provider to whom this regulation applies to—
- (a) Take all reasonable steps to promote the good health and safety of children enrolled in the service; and
 - (b) Take all reasonable precautions to prevent accidents and the spread of infection among children enrolled in the service; and
 - (c) Take all reasonable precautions to ensure that the premises, facilities, and other equipment on those premises are—
 - (i) kept in good repair; and
 - (ii) maintained regularly; and
 - (iii) used safely and kept free from hazards; and
 - (d) take all reasonable steps to ensure that appropriate procedures are in place to deal with fires, earthquakes, and other emergencies.
- (2) Each licensed service provider to whom this regulation applies must comply with the health and safety practices standard: general.

8 Criteria to assess Health and safety practices standard

General

HS1 The hospital from which the service operates has been granted certification under the Health and Disability Services (Safety) Act 2001 either:

- for a period of at least 3 years; or
- for a period of less than 3 years, but the lesser period of certification does not reflect problems identified with requirements relating to the hospital’s health and safety practices that would affect children participating in the ECE service.

Documentation required

1. Copy of the current certificate issued to the hospital under the Health and Disability Services (Safety) Act 2001, and
2. If the certificate denotes a certification period of less than 3 years, a copy of the Corrective Action Plan from the hospital’s Audit Report, showing that failure to meet health and safety practices requirements that affect children participating in the ECE service is not the reason for a shorter certification period being granted.

Education Review Office: Handbook for Early Childhood Services

September 2020

HS2 Premises, furniture, furnishings, fittings, equipment, and materials used by children as part of the ECE programme are kept safe, hygienic and maintained in good condition.

HS3 Designated assembly areas for evacuation purposes outside of the building keep children safe from further risk.

HS4 Adults providing education and care are familiar with relevant emergency drills.

Documentation required

A record of the emergency drills carried out.

HS5 Safe and hygienic handling practices are implemented with regard to any animals at the service. All animals are able to be restrained.

HS6 When children leave the premises on an excursion:

- assessment and management of risk is undertaken, and adult:child ratios are determined accordingly. Ratios are not less than the required adult:child ratio;
- parents have given prior written approval of their child's participation and of the proposed ratios; and
- there are communication systems in place so that people know where the children are, and adults can communicate with others as necessary.

Documentation required

A record of outings or excursions. Records include:

- the names of adults and children involved;
- the time and date of the excursion;
- the location and method of travel;
- assessment and management of risk; and
- evidence of parental permission.

HS7 If children travel in a motor vehicle while in the care of the service:

- each child is restrained as required by Land Transport legislation;
- required adult:child ratios are maintained; and
- the written permission of a parent of the child is obtained before the travel begins (when children are not traveling with their parent).

Documentation required

Evidence of parental permission for any travel by motor vehicle as part of the ECE programme.

ECE Activity Room

HS8 Any ECE Activity Room is kept at a comfortable temperature no lower than 16°C (at 500mm above the floor) while children are attending.

HS9 Heavy furniture, fixtures, and equipment in any ECE Activity Room that could fall or topple and cause serious injury or damage are secured.

HS10 Any ECE Activity Room and equipment used by children as part of the ECE programme are checked on every day of operation for hazards. Hazards to the safety of children are eliminated, isolated, or minimized.

Consideration of hazards must include but is not limited to:

- cleaning agents, medicines, poisons, and other hazardous materials;
- electrical sockets and appliances (particularly heaters);
- vandalism, dangerous objects, and foreign materials;
- the condition and placement of equipment; and
- bodies of water.

Documentation required

A documented risk management system.

HS11 All practicable steps are taken to ensure that noise levels in any ECE Activity Room do not unduly interfere with normal speech and/or communication, or cause any child attending distress or harm.

Child protection

HS12 Medicine (prescription and non-prescription) is not given to a child unless it is given by authorised personnel in an emergency, or as part of the child's treatment as a patient of the hospital.

HS13 There is a written child protection policy that meets the requirements of the Vulnerable Children Act 2014. The policy contains provisions for the identification and reporting of child abuse and neglect, and information about how the service will keep children safe from abuse and neglect, and how it will respond to suspected child abuse and neglect.

The policy must be reviewed every three years.

Documentation required:

1. A written child protection policy that contains:
 - a. provisions for the service's identification and reporting of child abuse and neglect;
 - b. information about the practices the service employs to keep children safe from abuse and neglect; and
 - c. information about how the service will respond to suspected child abuse and neglect.

2. A procedure that sets out how the service will identify and respond to suspected child abuse and/or neglect.

HS14 All practicable steps are taken to protect children from exposure to inappropriate material (for example, of an explicitly sexual or violent nature).

HS15 Adults providing education and care must not use, or be under the influence of, alcohol or any other substance that has a detrimental effect on their functioning or behaviour while responsible for children participating in the service.

HS16 All practicable steps are taken to ensure that children do not come into contact with any person on the premises who is under the influence of alcohol or any other substance that has a detrimental effect on their functioning or behaviour.

GOVERNANCE, MANAGEMENT AND ADMINISTRATION

Regulation 47 – Governance, management, and administration standard: general

- (1) The governance, management, and administration standard: general is the standard that requires every licensed service provider to whom this regulation applies to ensure that—
 - (a) the service is effectively governed and is managed in accordance with good management practices; and
 - (b) the service provider regularly collaborates with—
 - (i) parents and family or whānau of children enrolled in the service; and
 - (ii) the adults responsible for providing education and care as part of the service; and
 - (c) appropriate documentation and records are—
 - (i) developed, maintained, and regularly reviewed; and
 - (ii) made available where appropriate—
 - (A) at any reasonable time on request by a parent of a child enrolled in the service; and
 - (B) at any time on request by any person exercising powers or carrying out functions under Part 26 of the Act; and
 - (d) adequate information is made available to parents of enrolled children and, where appropriate, to the families or whānau of those children about the operation of the service; and
 - (e) all reasonable steps are taken to provide staff employed or engaged in the service with adequate professional support, professional development opportunities, and resources.
- (2) Each licensed service provider to whom this regulation applies must comply with the governance, management, and administration standard: general.

9 Criteria to assess Governance, management and administration standard Parent involvement and information

GMA1 The following are prominently displayed in any ECE Activity Room for parents and visitors:

- the Education (Early Childhood Services) Regulations 2008, and the Licensing Criteria for Hospital-based Education and Care Services 2008;
- the full names and qualifications of each person counting towards prescribed qualification requirements;
- the service's current licence certificate; and
- a procedure people should follow if they wish to complain about non-compliance with the Regulations or criteria.

Documentation required

A procedure people should follow if they wish to complain about non-compliance with the Regulations or criteria. The procedure includes the option to contact the local Ministry of Education office and provides contact details.

GMA2 Parents are advised how to access:

- information concerning their child;
- the service's operational documents (such as its philosophy, policies, and procedures and any other documents that set out how day to day operations will be conducted); and
- the most recent Education Review Office report regarding the service.

Documentation required

Written information letting parents know how to access:

- information concerning their child;
- the service's operational documents; and
- the most recent Education Review Office report regarding the service.

GMA3 Information is provided to parents about:

- how they can be involved in the service;
- any fees charged by the service;

Education Review Office: Handbook for Early Childhood Services

September 2020

- the amount and details of the expenditure of any Ministry of Education funding received by the service; and
- any planned reviews and consultation.

Documentation required

Written information letting parents know:

- how they can be involved in the service;
- any fees charged by the service;
- the amount and details of the expenditure of any Ministry of Education funding received by the service; and
- about any planned reviews and consultation.

GMA4 Parents of children participating in the service and adults providing education and care are provided with opportunities to contribute to the development and review of the service's operational documents (such as philosophy, policies, and procedures and any other documents that set out how day to day operations will be conducted).

Documentation required

Evidence of opportunities provided for parents and adults providing education and care to contribute to the development and review of the service's operational documents.

Professional practices

GMA5 A philosophy statement guides the service's operation.

Documentation required

A philosophy statement expressing the service's fundamental beliefs, values, and attitudes.

GMA6 An ongoing process of self-review helps the service maintain and improve the quality of its education and care.

Documentation required

1. A process for reviewing and evaluating the service's operation (for example, its curriculum, learning and teaching practices, philosophy, policies, and procedures) by the people involved in the service. The process is consistent with criterion GMA4, and includes a schedule showing timelines for planned review of different areas of operation.
2. Recorded outcomes from the review process.

GMA7 Suitable human resource management practices are implemented.

Documentation required

Policies and processes for human resource management, including:

- selection and appointment procedures;
- job/role descriptions;
- induction procedures into the service;
- a system of regular appraisal;
- provision for professional development;
- a definition of serious misconduct; and
- discipline/dismissal procedures.

GMA7A All children's workers who have access to children are safety checked in accordance with the Vulnerable Children Act 2014.

Safety checks must be undertaken and the results obtained before the worker has access to children.

The results of the safety checks must be recorded and the record kept as long as the person is employed at the service.

Every children's worker must be safety checked every three years. Safety checks may be carried out by the employer or another person or organisation acting on their behalf.

Documentation required:

1. A written procedure for safety checking all children's workers before they have access to children that meets the safety checking requirements of the Vulnerable Children Act 2014; and
2. A record of all safety checks and the results.

Planning and documentation

GMA8 An annual plan guides the service's operation.

Documentation required

An annual plan identifying 'who', 'what', and 'when' in relation to key tasks undertaken each year.

GMA9 An annual budget guides financial expenditure.

Documentation required

An annual budget setting out the service's estimated revenue and expenses for the year. The budget includes at least:

- staffing costs, including leave entitlements;
- professional development costs;
- equipment and material costs for the ongoing purchase of new equipment and consumable materials; and
- Provision for operational costs (such as electricity, telephone, food purchases and other day to day items) and maintenance of the premises as appropriate.

GMA10 Adults providing education and care have access to information held by the hospital for each child participating in the service that includes:

- the child's full name, date of birth, and address;
- the name and address of at least 1 parent;
- details of how at least 1 parent (or someone nominated by them) can be contacted while the child is participating in the service;
- the name of the medical practitioner with overall responsibility for the child's care;

- details of any chronic illness/condition that the child has, and of any implications or actions to be followed in relation to that illness/condition; and
- any court orders affecting day to day care of, or contact with, the child.

GMA11 A record is maintained for children participating in the service. Records are kept for at least 7 years.

Documentation required

An attendance record that meets the requirements outlined in the Early Childhood Education Funding Handbook for children currently participating in the service, and children who have attended in the previous 7 years.

GMA12 Required documentation is made available as appropriate to parents and Government officials having right of entry to the service under Section 319B of the Education Act 1989.