

Meeting requirements for children's safety and wellbeing in ECE

Introduction

This report highlights how early childhood services keep up to date with changing regulations and legal requirements in order to effectively manage for children's safety and wellbeing.

Service owners/leaders may find this report useful when considering how to effectively and proactively stay informed about regulations and requirements. This report illustrates the various ways services ensure staff practices meet new regulations, and shares the resources they use to stay up to date.

ERO investigated how well early childhood education (ECE) services managed for the safety and wellbeing of children in 206 early childhood services that were reviewed during Term 2, 2015. ERO's focus in this report was mainly on the policies and procedures that guide children's safety and wellbeing.

Background

- Early childhood services operate under a comprehensive set of regulations that reflect the importance of managing for children's safety and wellbeing. Services are expected to continually review and improve their practices and processes to meet current and new regulations.
- A new Regulatory Framework for the relicensing of early childhood services was introduced in 2008 and phased in over six years.
- The main changes that occurred under the new framework related to the licensing of centres. The renewal of full licenses was revoked, and changes were made to the status of centres requiring full licenses. Services no longer have to go through a regular, mandatory license renewal process.
- ERO undertakes regular reviews of early childhood services that include a focus on compliance
- As the Ministry relicensed early childhood services, their staff checked that services complied with regulations. Now that the relicensing process is complete, services are responsible for keeping up to date with regulations and ensuring they are meeting their regulatory responsibilities.
- These changes made it timely for ERO to investigate how well services ensured they were meeting current legal requirements, and planning for future changes to regulations that affect children's safety and wellbeing.

Services keeping up to date and managing their responsibilities well

Despite some areas of minor non-compliance, all requirements for maintaining children's physical and emotional safety were still being met.

Well over 80 percent of services were up to date with current regulations and legal requirements, with ERO identifying no areas of non-compliance in 43 percent of services, and minor areas of non-compliance in 40 percent of services.

The most common way for the 43 percent of fully compliant services to keep up to date was by monitoring the Ministry of Education and Early Childhood Council websites.

Being up to date with requirements and regulations meant that services were able to act on any changes or updates quickly, ensuring that their internal regulations, policies and practice were always current.

These services were also effectively ensuring staff had up-to-date knowledge of any changes affecting their practice. They ensured that staff met requirements by developing clear policies, procedures and guidelines, and by regularly observing and monitoring their practice. Regular monitoring of teacher registration and appraisal was also a common theme in well-performing services.

The most common area of minor non-compliance related to isolated incidents where documentation did not completely align with policies and procedures. Onsite discussions resulted in increased awareness to ensure that practice aligned more closely with policies and procedures.

What did managing well look like?

- Responsibility for keeping up to date with changes allocated to a specific person (head teacher/service leader)
- Head teachers/service leaders were proactive in keeping up-to-date with changes
- Other staff were well-informed of changes by management
- There were no or minor non-compliances
- Services regularly reviewed/updated policies and procedures
- There was prompt identification and rectification of safety concerns or issues.

Services kept up-to-date through:

- regular monitoring of Ministry of Education and Early Childhood Council websites to check for changes/updates
- the use of a variety of resources to seek information
- regularly informing and guiding staff on their responsibilities
- using staff meetings combined with informal discussions to update staff of changes to their practice
- effectively monitoring staff practice to ensure it met requirements
- leaders ensuring staff had regular professional learning and development (PLD)
- putting regulations and requirements into action, such as regular safety checks, schedules for teacher registration and police vetting, appraisal, etc
- effective, regular health and safety self-review to identify any concerns/issues
- regularly reviewing policies and procedures to ensure they align with legal requirements.

Services not managing their responsibilities well

Seventeen percent of services were not up-to-date with their responsibilities or were not managing them well. Areas of non-compliance found by ERO included police vetting, teacher registration and outdated policies.

Some of the owners of the services had not been police vetted (despite their active involvement in the daily running of the service), and did not have systems in place to track teacher registration renewals.

Commonly, non-compliance occurred because service leaders/managers were unaware of legal requirements and regulations. Services' lack of knowledge around requirements ranged from staff performance management and appraisal to changes in ECE licensing criteria.

Some of these services were not able to identify the person responsible for monitoring changes and updating other staff. This resulted in a lack of knowledge about requirements and regulations for service leaders, as well as staff. In some services, although there was knowledge of new or altered regulations, information regarding this was not passed on to other staff.

ERO also found that many of these services did not provide regular PLD or undertake reviews of health and safety, and did not regularly monitor teacher registration and appraisal. The services that did monitor staff practice typically did so informally, and required staff to keep informed with requirements themselves.

Some of these services had minimal or insufficient safety and wellbeing policies. Some policies existed, but they were not comprehensive or robust. They did not cover the scope of service operations and therefore lacked clear guidance for staff and leaders.

What needed to improve?

- Service leaders/head teachers were unaware of changes to regulations or requirements.
- There was a lack of knowledge around requirements and regulations.
- Staff were not well informed of changes to new legislation or regulations.
- Minimal/insufficient policies existed regarding safety and wellbeing.

Why were gaps evident?

- Service leaders/ head teachers were unsure where to find information regarding changes to regulations.
- Services were not using available resources to keep up to date.
- Some leaders/service owners were not registered teachers, so lacked general knowledge of regulations.
- Leaders were not sharing information about changes to regulations and requirements with staff.
- There had been a lack of monitoring of staff in relation to regulations and requirements.
- There had been a lack of monitoring of staff practice to ensure it was up to date.
- Staff were not regularly accessing PLD.
- Services were not engaging in regular, effective health and safety review to promptly identify concerns.
- No individual held responsibility for monitoring and updating others of changes.
- There had been no regular review of accountabilities and practice in practice to ensure it was up to date.

Subsequently, these services were not regularly reviewing their accountabilities and practice in relation to regulations and requirements.

Minor areas of non-compliance are discussed while the ERO review team are on site. Where ERO has concerns about the service's capacity to address these issues, a non-compliance is noted in the service's review report. The Ministry of Education is also notified in some instances.

How ERO approaches health and safety during reviews in ECE

As part of each review, services attest that they have taken all reasonable steps to meet legal requirements. Self-Audit Checklists cover key requirements in four areas: Curriculum, Premises and Facilities, Health and Safety Practices, and Governance, Management and Administration.

ERO looks in more depth at the service's systems for managing areas that have a potentially high impact on children's wellbeing:

- emotional safety
- physical safety
- suitable suitability of staffing
- evacuation procedures and practices for fires, earthquakes, and other emergencies.

In this evaluation, ERO was also interested in how services:

- keep up to date with current and future regulations and laws
- ensure staff know what they should be doing
- review their accountabilities in relation to the regulations
- use ERO's resources, such as the Assurance Statement and Guidelines.

Umbrella organisations

Umbrella organisations are national organisations with responsibilities for the governance and management of education and care services. About one third of the services reviewed belonged to an umbrella organisation. These organisations had specifically appointed people to 'monitor positions' to ensure they were kept up to date with regulations, and were meeting their compliance obligations.

These people were usually responsible for:

- keeping up to date with legal requirements and changes to regulations
- providing legal advice and interpreting regulations
- providing information and updates about changes in requirements to other staff

They also:

- developed policies, procedures and guidelines for services
- provided regular PLD and opportunities to discuss practice for leaders and staff
- supported services to review the effectiveness of policies, procedures and guidelines.

Common areas of non-compliance for these services tended to be minor. They related to incomplete paper work – such as parents not signing accident/medication forms, and incomplete fire/earthquake drill paper work. Leaders in some of these services were unsure of whether they, the service or the umbrella organisation had responsibility for some things i.e. how to monitor new requirements.

Sources of information

Many resources were used by services to keep up with new requirements, such as the Education Gazette, the Early Childhood Council website and other early childhood education websites. Around 80 percent of services used ERO's Assurance Statement and Guidelines to support their management of children's safety and wellbeing.

Many leaders of services not managing their responsibilities well were unaware of the resources and information available. Once introduced to these resources, many leaders expressed surprise at the amount of support and guidance that existed for services.

A small number of services in remote locations spoke of their isolation as a barrier for staff PLD, and for accessing cluster support. However, development of online resources and support provides alternative sources of information and support.

Conclusion

This report investigated how well services were keeping up to date with changing regulations and legal requirements amid changes to the relicensing of early childhood services.

In just under 20 percent of services, proactive monitoring of resources was not present, resulting in these services being non-compliant with regulations. Non-compliances were discussed on review and remedial action taken by the service or, if necessary, reported to the Ministry of Education for their action.

Owners of privately owned services are often not qualified teachers. The majority of services that were not managing their responsibilities well were stand-alone services that may not have had the support of a national organisation to keep them up to date with changes. It is important that when services are licensed, the Ministry of Education makes services aware of where they can get resources and up to date information about legislation changes.

Recommendations

ERO recommends that services:

- ensure that a person is appointed to be responsible for keeping up to date with health and safety regulations and meeting their compliance obligations
- implement systems to regularly review their health and safety policies and ensure that agreed practices are understood by all staff, and are implemented in practice
- regularly use resources such as those listed below, to find out about new health and safety legislation and responsibilities.

Useful health and safety resources

Ministry of Education Early Learning Bulletin/He Pānui Kohūngahūnga

<http://www.education.govt.nz/early-childhood/ministry-priorities/early-learning-bulletin/>

Ministry of Education website

<http://www.education.govt.nz/early-childhood/>

Education Gazette

www.edgazette.govt.nz

TKI

<https://www.tki.org.nz/>

Education Council of Aotearoa New Zealand

<https://educationcouncil.org.nz/>