

Home-Based Education and care services

11. EDUCATION AND TRAINING ACT 2020

11.1 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

home-based education and care service—

(a) means the provision of education or care, for gain or reward, to children who are under the age of 5 years, or who are aged 5 years but not enrolled at school, in—

(i) the children's own home; or

(ii) the home of the person providing the education or care; or

(iii) any other home nominated by a parent of the children; and

(b) includes the provision of education or care to any child of the person providing the service who is—

(i) under the age of 5 years; or

(ii) aged 5 years but not enrolled at school

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

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:

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- (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 19 - Requirements for licensed home-based education and care service

(1) A licensed home-based education and care service may be provided to no more than 4 children per home.

(2) While children are participating in the service, the total number of children present in a home in which the service is provided (including those receiving the service) may not be more than 6.

(3) In this section,—

children means children aged 13 years or younger (other than children of the educator who are enrolled at school)

educator means the person who—

(a) provides education and care and comfort directly to children in the person's care; and

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

Section 22 - Records

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

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- (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.

(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](#).

Section 27 - Parent's right of entry

The parent of a child has a right to enter the premises of a licensed early childhood education and care centre or a licensed home-based education and care service when the child is there unless the parent—

(a) is required to comply with—

(i) a court order that prohibits access to, or contact with, the child (either generally or when attending the centre or service); or

(ii) a warning under [section 4](#) of the Trespass Act 1980 to stay off the premises; or

(b) is suffering from a contagious or infectious disease likely to have a detrimental effect on the children if passed on to them; or

(c) is, in the opinion of a person responsible for the operation of the centre or service,—

(i) under the influence of alcohol or any other substance that has a detrimental effect on the functioning or behaviour of the person; or

(ii) exhibiting behaviour that is, or is likely to be, disruptive to the effective operation of the centre or service.

Early childhood services

Section 624 - Power to enter and inspect, without warrant, homes used by licensed home-based education and care services

(1) For the purposes of enabling the functions of the Chief Review Officer to review and evaluate curriculum delivery and health and safety performance in a home used by a licensed Education Review Office: Handbook for Early Childhood Services

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home-based education and care service, a review officer may, at any reasonable time and having given reasonable notice to the relevant service provider, enter the home, and—

(a) conduct inspections or inquiries, including (without limitation) observing any children present in the home who are receiving the service:

(b) require the person providing the service in the home—

(i) to make available documents or information, and permit the review officer to make copies or extracts of the documents or information, relating to curriculum delivery and health and safety performance of the service in the home:

(ii) to make or provide statements, in any form and manner the review officer specifies, about any matters relating to curriculum delivery and health and safety performance of the service in the home:

(c) inspect the work of any person to whom the service is (or has been) provided:

(d) meet and talk with the person providing the service in the home or any person to whom the service is being provided.

(2) If a service provider receives a notice, the service provider must provide the Education Review Office with a list of the addresses of all the homes where the service provider provides a licensed home-based education and care service.

(3) A review officer may only inspect those areas of a home that are used to provide the licensed home-based education and care service.

(4) A review officer may request those given notice to provide, before the entry, information that is reasonably necessary or desirable to carry out the inspection or inquiries.

(5) The request may be part of the notice.

Section 625 - Review officers to prove identity before acting under section 624

A review officer who enters any place under the authority of [section 624](#) must, on first entering and, if requested at any later time, produce to the person apparently in charge the review officer's certificate of designation.

- [Enabling the Education Review Office \(ERO\) to enter a home where home-based early learning is being provided](#)

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—

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

person responsible means,—

- (c) in relation to a licensed home-based education and care service, the co-ordinator who has primary responsibility for—
 - (i) overseeing the education and care, comfort, and health and safety of the children; and
 - (ii) without limiting subparagraph (i), providing professional leadership and support to educators within the service

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

Licensing

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

Regulation 10 - Additional requirements where application relates to home-based service

Every application for a licence to operate a home-based education and care service must be accompanied by the full address of each of the premises to be used for the provision of the service

Regulation 28 - Additional requirements for licensed home-based education and care service

(1) A service provider who operates a licensed home-based education and care service must—

- (a) maintain a list of the homes used in connection with the service and make it available on request to the Secretary; and
- (b) ensure that the requirements of these regulations are being complied with in respect of each home used in connection with the service; and
- (c) ensure that he, she, or it can cease to provide the service at any home in respect of which the requirements of these regulations are not being satisfied; and

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(d) ensure that he, she, or it has access to all premises while children are participating in the service at those premises.

(2) The person responsible for a licensed home-based education and care service must—

(a) contact each educator engaged in the service at least once per fortnight; and

(b) visit each educator engaged in the service at least once per month; and

(c) take all reasonable steps each month to observe each child participating in the service while that child is receiving education and care.

(3) Subclause (2) does not apply in respect of a home-based education and care service during any period when the service is closed for a fortnight or longer.

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.

Regulation 58 - Collection of children from centres and home-based education and care services

(1) The service provider of a centre must ensure that no child leaves the centre with any person, unless the person—

(a) has the role of providing day-to-day care for the child; or

(b) is authorised in writing to take the child by a person who has the role of providing day-to-day care for the child.

(2) The service provider of a home-based education and care service must ensure that no child leaves the care of the educator with any person, unless the person—

(a) has the role of providing day-to-day care for the child; or

Children Act 2014 – refer **H4** of Handbook

Food safety for ECE services – refer H5 of Handbook

12 LICENSING CRITERIA

12.1 LICENSING CRITERIA FOR HOME-BASED EDUCATION AND CARE SERVICES

SOURCE: Licensing Criteria for Home-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 Home-based Education and Care Services 2008.

These criteria came into force on 1 December 2008. Since then, there have been 3 sets of amendments. These took place on 28 August 2009, 21 July 2011 and 21 May 2015 and 25 November 2016.

- 2 **Application** – these criteria apply to all Home-based Education and Care services as defined in Education and Training Act 2020
- 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:

¹ [Licensing Criteria for Home-based Education and Care Services 2008](#)

- (a) **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;
- (b) **coordinator** means the person who has primary responsibility for overseeing the education and care, comfort, and health and safety of the children, and providing professional leadership and support to educators within the service;
- (c) **culture** means the understandings, patterns of behaviour, practices, and values shared by a group of people;
- (d) **educator** means the person with the designated role of providing education and care directly to children in his or her care, and attends to the health and safety of those children;
- (e) excursion means –
 - i. being outside the licensed premises whilst receiving education and care from the service; but
 - ii. does not include an excursion for the purposes of emergency evacuations, drills or the receipt of urgent medical attention.
 - iii. regular excursion means – excursions that parents have agreed to at the time of their child’s enrolment, that are part of an ongoing planned and consistent routine of education and care.
 - iv. special excursion means – excursions that parents have agreed to prior to the excursion taking place that are not a regular excursion.
- (f) **medicine** means any substance used for a therapeutic purpose and includes prescription and non-prescription preparations having the meaning assigned to these under Appendix 2;
- (g) **out-of-school care** means the presence of any child during licensed hours who is aged 13 years or younger, who is enrolled at school, and who is counted towards the total number of children that can be present in the home, in line with the requirements set out in the Education and Training Act 2020
- (h) **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.
- (i) **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;
 - 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;
- (j) **policy** means a statement intended to influence and determine decisions, actions, and other matters;
- (k) **premises** means home in which education and care is to be provided, and its associated outdoor space;
- (l) **procedure** means a particular and established way of doing something;
- (m) **process** means a goal-directed, interrelated series of actions, events, procedures, or steps;
- (n) **records** means information or data on a particular subject collected and preserved;
- (o) **regulation** means a regulation under the Education (Early Childhood Services) Regulations 2008;
- (p) **service** means a home-based education and care service;
- (q) **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
- (r) **service provider** means the body, agency, or person who or that operates the home-based education and care service.
- (s) **specified agency** means any government agency or statutory body that a home-based education and care service is required to notify if there is a serious (or as defined) injury, illness, incident or allegation. This may include but is not limited to: the New Zealand Police; the Ministry of Health; Child, Youth and Family; WorkSafe New Zealand; and the Education Council.

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 Educators engage in meaningful, positive interactions to enhance children’s learning and nurture reciprocal relationships.

C4 The practices of educators and coordinators 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 – both indoors and outdoors, 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 educators and coordinators 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 educators and coordinators 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 educators and coordinators 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 design and layout of the premises:
- support the provision of different types of indoor and outdoor experiences; and

- include quiet spaces, areas for physically active play, and space for a range of individual and group learning experiences appropriate to the number, ages, and abilities of children attending.

PF2 The design and layout of the premises support effective adult supervision so that children's access to indoor and outdoor spaces is not unnecessarily limited.

PF3 The premises conform to any relevant bylaws of the local authority. Any premises undergoing alterations conform to the Building Act 2004.

Documentation required

1. Code Compliance Certificate issued under Section 95 of the Building Act 2004 for any building work undertaken, or alternatively any other documentation that shows evidence of compliance.
2. Current Annual Building Warrant of Fitness (if the premises require a compliance schedule under Section 100 of the Building Act 2004).

PF4 A variety of equipment and materials is provided that is appropriate for the learning and abilities of the children attending.

PF5 If infants, toddlers or children not walking attend, there are safe and comfortable (indoor and outdoor) spaces for them to lie, roll, creep, crawl, pull themselves up, learn to walk, and to be protected from more mobile children.

Premises and facilities

PF6 Floor surfaces are durable, safe and suitable for the range of activities to be carried out (including wet and messy play), and can easily be kept clean.

PF7 There are spaces for the safe storage of children's play equipment, personal belongings, cleaning materials, and confidential administrative records.

PF8 There are facilities (other than those required for PF18) or alternative arrangements available for the preparation and cleaning up of paint and other art materials.

PF9 A telephone is available for calls to and from the premises.

PF10 Parts of the home used by children have:

- lighting (natural or artificial) that is appropriate to the activities offered or purpose of each room;
- ventilation (natural or mechanical) that allows fresh air to circulate (particularly in sanitary and sleep areas); and
- a safe and effective means of maintaining a room temperature of no lower than 16°C.

PF11 There is an outdoor activity space that is:

- easily accessible and available to children;
- enclosed by structures and/or fences and gates that are maintained so that children cannot leave without the help or knowledge of the educator; and
- safe, well-drained, and suitably surfaced for a variety of activities.

Food preparation and eating spaces

PF12 There is a safe and hygienic place for children attending to sit when eating.

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PF13 There are facilities for the hygienic preparation, storage and/or serving of food and drink that contain:

- a means of keeping perishable food at a temperature at or below 4°C and protected from vermin and insects;
- a means of cooking and/or heating food;
- a means of hygienically washing dishes;
- a sink connected to a hot water supply;
- storage; and
- food preparation surfaces that are impervious to moisture and can be easily maintained in a hygienic condition.

Sanitary facilities

PF14 There is space (away from where food is stored, prepared, or eaten) where a sick child can:

- be temporarily kept at a safe distance from other children (to prevent cross-infection);
- lie down comfortably; and
- be supervised.

PF15 There is a first aid kit that:

- complies with the requirements of Appendix 1; and
- is easily recognisable and readily accessible to adults; and
- is inaccessible to children.

PF16 There is a toilet and hygienic handwashing and drying facilities suitable for the use of the children attending.

PF17 Where children wearing nappies attend, there are safe and hygienic nappy changing facilities.

PF18 There is a plumbing fixture (such as a shower, shub, or bath) for washing sick or soiled children.

Sleep

PF19 There is space available for the restful sleep of children who need it at any time they are attending.

PF20 Furniture and items intended for children to sleep on (such as cots, beds, stretchers, or mattresses) are of a size that allows children using them to lie flat, and are of a design to ensure their safety.

PF21 Furniture and items intended for children to sleep on (such as cots, beds, stretchers or mattresses) that will be used by more than one child over time are securely covered with or made of a non-porous material (that is, a material that does not allow liquid to pass through it) that:

- protects them from becoming soiled;
- allows for easy cleaning (or is disposable); and
- does not present a suffocation hazard to children.

PF22 Clean individual bedding (such as blankets, sheets, sleeping bags and pillowslips) is provided for sleeping or resting children that is sufficient to keep them warm.

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

Hygiene

HS1 Premises, furniture, furnishings, fittings, equipment, and materials for the use of children attending are kept safe, hygienic, and maintained in good condition.

HS2 Linen used by children or adults is hygienically laundered.

Documentation required

A procedure for the hygienic laundering (off-site or on-site) of linen used by the children or adults.

HS3 A procedure for the changing (and disposal, if appropriate) of nappies is consistently implemented.

Documentation required

A procedure for the changing (and disposal, if appropriate) of nappies. The procedure aims to ensure:

- safe and hygienic practices; and

- that children are treated with dignity and respect.

Emergencies

HS4 There are a written emergency plan and supplies to ensure the care and safety of the children and educator at home and when away from the home. The plan must include evacuation procedures that apply in a variety of emergency situations and that are relevant to the home.

The written emergency plan must also include out-of-school care children if out-of-school care is being provided in the home.

If the home is in a building that has an approved Fire Evacuation Scheme, the evacuation procedures must be consistent with that scheme

Documentation required

A written emergency plan that includes at least:

- An evacuation procedure for the premises.
- A list of safety and emergency supplies and resources sufficient for the age and number of children and adults at the service and details of how these will be maintained and accessed in an emergency.
- A communication plan for families and support services.
- Evidence of review of the plan on an, at least, annual basis and
- Implementation of improved practices as required.

HS5 Designated assembly areas for evacuation purposes outside the building keep children safe from further risk.

HS6 Heavy furniture, fixtures and equipment that could fall or topple and cause serious injury or damage are secured.

HS7 Educators are familiar with relevant emergency drills and carry these out with children on an at least three-monthly basis.

Documentation required

A record of the emergency drills carried out and evidence of how evaluation of the drills has informed the annual review of the service's emergency plan.

For services providing out-of-school care the record must include evidence of drills performed with enrolled children and out-of-school care children at the same time.

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Sleep

HS8 A procedure for monitoring children's sleep is implemented, and information is communicated to parents about their child's daily sleep patterns.

Documentation required

A procedure for monitoring children's sleep.

The procedure ensures that children:

- do not have access to food or liquids while in bed; and
- are checked for warmth, breathing, and general well-being at least every 10 – 15 minutes (during day-time sleep), or more frequently according to individual needs.

HS9 Furniture or items intended for children to sleep on (such as cots, beds, stretchers, or mattresses) are arranged and spaced when in use so that:

- adults have clear access to at least one side (meaning the length, not the width);
- the area surrounding each child allows sufficient air movement to minimise the risk of spreading illness; and
- children able to sit or stand can do so safely as they wake.

HS10 If not permanently set up, furniture or items intended for children to sleep on (such as cots, beds, stretchers, or mattresses) and bedding is hygienically stored when not in use.

Hazards and excursions

HS11 Equipment, premises, and facilities are checked on every day of operation for hazards to children. Accident/incident records are analysed to identify hazards and appropriate action taken. Hazards to the safety of children are eliminated, isolated or minimised.

Consideration of hazards must include but is not limited to:

- cleaning agents, medicines, poisons, and other hazardous materials;
- electrical sockets and appliances (particularly heaters);
- hazards present in kitchen or laundry facilities;
- vandalism, dangerous objects, and foreign materials (e.g. broken glass, animal droppings);
- the condition and placement of learning, play and other equipment;
- windows and other areas of glass;
- poisonous plants; and
- bodies of water.

Documentation required

A documented hazard identification and management system

HS12 All practicable steps are taken to ensure that noise levels do not unduly interfere with normal speech and/or communication, or cause any child attending distress or harm.

HS13 Safe and hygienic handling practices are implemented with regard to any animals. All animals on the premises are able to be restrained.

HS14 Whenever children leave the premises on an excursion:

- assessment and management of risk is undertaken;
- parents have given prior written approval of their child's participation;
 - i. for regular excursions at the time of enrolment; and
 - ii. for special excursions prior to the excursion taking place; 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 excursions that includes:

- 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;
 - evidence of parental permission for the regular excursions at the time of enrolment;
- and
- evidence of parental permission for special excursions.

HS15 If children travel in a motor vehicle while in the care of the service:

- each child is restrained as required by Land Transport legislation; and
- the written permission of a parent of the child is obtained before the travel begins.

Documentation required

Evidence of parental permission for any travel by motor vehicle.

In most cases, this requirement will be met by the excursion records required for criterion HS14.

Food and drink

HS16 Food is served at appropriate times to meet the nutritional needs of each child while they are attending. Where food is provided by the educator, it is of sufficient variety, quantity, and quality to meet these needs. Where food is provided by parents, the service encourages and promotes healthy eating guidelines.

Documentation required

A record of all food served to children while they are participating in the service (other than that provided by parents for their own children). Records show the type of food provided, and are available for inspection for 3 months after the food is served.

HS17 Food is prepared, served, and stored hygienically.

HS18 An ample supply of water that is fit to drink is available to children at all times, and older children are able to access this water independently.

HS19 Children are supervised while eating.

HS20 Infants under the age of 6 months and other children unable to drink independently are held semi-upright when being fed. Any infant milk food given to a child under the age of 12 months is of a type approved by the child's parent.

Child health and wellbeing

HS21 Rooms used by children are kept at a comfortable temperature no lower than 16°C (at 500mm above the floor) while children are attending.

HS22 There is an adult present at all times while children are attending who:

- holds a current First Aid qualification gained from a New Zealand Qualifications Authority accredited first aid training provider, or
- is a registered medical practitioner or nurse with a current practising certificate; or
- is a qualified ambulance officer or paramedic.

If a child is injured, any required first aid is administered or supervised by an adult meeting these qualification requirements.

If access to first aid training is limited due to circumstances beyond the service provider's control, the service provider must ensure that educators have knowledge of first aid, and gain a first aid qualification within 4 months of starting work at the service.

Documentation required

1. Copies of current first aid (or medical practising) certificates for adults counting towards this requirement.
2. Where access to first aid training for an educator is limited, a record of the actions taken by the service provider to ensure the educator has knowledge of first aid and achieves a first aid qualification within 4 months of starting work at the service.

HS23 All practicable steps are taken to ensure that children do not come into contact with any person (adult or child) on the premises who is suffering from a disease or condition likely to be passed on to children and likely to have a detrimental effect on them.

Specifically, any children who becomes unwell while attending the service or receiving out-of-school care is kept at a safe distance from other children (to minimise the spread of infection) and returned to the care of a parent or other person authorised to collect the child without delay.

Out-of-school care must not be provided to children who are absent from school due to illness.

HS24 All practicable steps are taken to get immediate medical assistance for a child who is seriously injured or becomes seriously ill, and to notify a parent of what has happened.

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Documentation required

1. A record of all injuries, illnesses and incidents that occur at the service.

Records include:

- the child's name;
- the date, time and description of the injury, illness or incident;
- actions taken and by whom; and
- evidence that parents have been informed.

2. A procedure outlining the service's response to injury, illness and incident, including the review and implementation of practices as required.

HS25 Medicine (prescription and non-prescription) is not given to a child unless it is given:

- by a doctor or ambulance personnel in an emergency; or
- by the parent of the child; or
- with the written authority (appropriate to the category of medicine) of a parent.

Medicines are stored safely and appropriately, and are disposed of, or sent home with a parent (if supplied in relation to a specific child) after the specified time.

Documentation required

1. A record of the written authority from parents for the administration of medicine in accordance with the requirement for the category of medicine outlined in Appendix 2.

2. A record of all medicine (prescription and non-prescription) given to children attending the service. Records include:

- name of the child;
- name and amount of medicine given;
- date and time medicine was administered and by whom; and
- evidence of parental acknowledgement.

HS26 Adults who administer medicine to children (other than their own) are provided with information and/or training relevant to the task.

Documentation required

A record of training and/or information provided to adults who administer medicine to children (other than their own) while at the service.

HS27 Children are washed when they are soiled or pose a health risk to themselves or others.

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Child protection

HS28 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.

HS29 All practicable steps are taken to protect children from exposure to inappropriate material (for example, of an explicitly sexual or violent nature).

HS30 Coordinators and educators 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 attending the service.

HS31 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.

HS32 No person on the premises smokes in any area which is available for use by children or for food preparation while children are attending the service.

Notification

HS33 Where there is a serious injury or illness or incident involving a child while at the service that is required to be notified to a specified agency, the service provider must also notify the Ministry of Education at the same time.

Documentation required

A copy of the notification sent to the specified agency.

Supervision

HS34 Every educator must ensure that they actively supervise children, at all times, while they attend the service.

Documentation required

A written supervision plan that ensures the good health and safety of children enrolled in the service is maintained at all times.

The plan must be specific to the premise and the number, age, abilities and enrolled hours of the children attending and must show how the educator will actively supervise children attending the service. It must include, but is not limited to:

- how the premise will be arranged, across all indoor and outdoor spaces likely to be used at any time while children are attending the home, to enhance supervision of children;
- how children will be supervised while they are;
 - involved in activities or routines (such as sleeping, eating and toileting) in separate parts of the home;
 - using play equipment and resources, both indoors and outdoors;
 - interacting with other people in the home, including visitors; and
 - using technology or while they are in the presence of technology while it is being used by others in the home.

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 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);
- the most recent Education Review Office report regarding the service;
- the Education (Early Childhood Services) Regulations 2008, and the Licensing Criteria for Home-based Education and Care Services 2008;
- the full names and qualifications of each person counting towards regulated 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

1. Evidence (such as a newsletter or enrolment pack information) of compliance with the criterion.
2. 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 Information is provided to parents about:

- 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
- any planned reviews and consultation.
- whether or not out-of-school care will be provided in the educator's home while their child is attending.

Documentation required

1. 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.

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2. For services offering out-of-school care, evidence of:
 - written notice advising parents if the home their child is attending will have children receiving out-of-school care; and
 - written parent acknowledgement of the written notice.

GMA3 Parents of children attending 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

GMA4 A philosophy statement guides the service's operation.

Documentation required

A written statement expressing the service's beliefs, values, and attitudes about the provision of early childhood education and care.

GMA5 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 GMA3, and includes a schedule showing timelines for planned review of different areas of operation.
2. Recorded outcomes from the review process.

GMA6 Effective human resource management practices are implemented for educators and staff.

Documentation required

Processes for human resource management. Processes at least include:

- procedures for the selection and appointment of suitable educators;
- job/role descriptions;

- training plans for educators with little or no previous experience in early childhood education;
- induction procedures into the service;
- a system of regular appraisal;
- provision for professional development;
- a definition of serious misconduct; and
- discipline/dismissal procedures.

GMA6A 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

GMA7 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.

GMA8 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;

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- equipment and material costs for the ongoing purchase of new equipment and consumable materials; and
- provision for operational costs and maintenance as appropriate.

GMA9 Enrolment records are maintained for each child attending. Records are kept for at least 7 years.

Documentation required

Enrolment records for each child currently attending and for those who have attended in the previous 7 years. Records meet the requirements of the Early Childhood Education Funding Handbook and include at least:

- 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 attends the service;
- the name of the medical practitioner (or medical centre) who should, if practicable, be consulted if the child is ill or injured;
- 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;
- the names of the people authorised by the parent to collect the child; and
- any court orders affecting day to day care of, or contact with, the child.

GMA10 An attendance record is maintained that shows the times and dates of every child's attendance at 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 attending, and children who have attended in the previous 7 years.

GMA11 Required documentation is made available as appropriate to parents and Government officials having right of entry to the service under the Education and Training Act 2020..

10 Appendix 1: First Aid kit requirements for criterion PF15

First aid kits should include the following (or these items are available on the premises):

- disposable gloves
- sterile saline solution (or some other means of cleansing wounds)
- safety pins, bandage clips or tape (or some other means of holding dressings in place)
- sterile wound dressings, including sticking plasters
- rolls of stretchable bandage
- triangular bandage (or some other means of immobilising an upper limb injury)
- scissors
- tweezers
- cold pack
- first aid manual
- National Poisons Centre phone number
 - 0800 POISON / 0800 764766.
- Healthline phone number
 - 0800 611 116

The first aid kit may also contain any Category (i) medicines the service chooses to use, providing the appropriate written authority has been gained from parents (see criterion HS25).

11 Appendix 2: Categories of medicine and written authority required from parents for criterion HS25

Category (i) medicines

Definition – a non-prescription preparation (such as arnica cream, antiseptic liquid, insect bite treatment spray etc) that is :

- not ingested;
- used for the 'first aid' treatment of minor injuries; and
- provided by the service and kept in the first aid cabinet.

Authority required – a written authority from a parent given at enrolment to the use of specific preparations on their child for the period that they are enrolled. The service must provide (at enrolment, or whenever there is a change) specific information to parents about the Category (i) preparations that will be used.

Category (ii) medicines

Definition – a prescription (such as antibiotics, eye/ear drops etc) or non-prescription (such as paracetamol liquid, cough syrup etc) medicine that is:

- used for a specified period of time to treat a specific condition or symptom; and
- provided by a parent for the use of that child only or, in relation to Rongoa Māori (Māori plant medicines), that is prepared by other adults at the service.

Authority required – a written authority from a parent given at the beginning of each day the medicine is administered, detailing what (name of medicine), how (method and dose), and when (time or specific symptoms/circumstances) medicine is to be given.

Category (iii) medicines

Definition – a prescription (such as asthma inhalers, epilepsy medication etc) or non-prescription (such as antihistamine syrup, lanolin cream etc) medicine that is:

- used for the ongoing treatment of a pre-diagnosed condition (such as asthma, epilepsy, allergic reaction, diabetes, eczema etc); and
- provided by a parent for the use of that child only.

Authority required – a written authority from a parent given at enrolment as part of an individual health plan, or whenever there is a change, detailing what (name of medicine), how (method and dose), and when (time or specific symptoms/circumstances) the medicine should be given.