
Open letter to Prime Minister and Cabinet: ECE Regulatory Review

We write as leading academics who have undertaken extensive research in the field of early childhood education (ECE) policy and practice. Collectively, and over many decades, we have also made substantive contributions through hands-on work in the ECE sector to teaching, teacher education, policy advice, curriculum development and professional support.

We have deep concerns about the ECE Regulatory Review released on 18 December 2024. The Minister for Regulations and Associate Minister of Education David Seymour has accepted all the recommendations and announced he would take them to Cabinet early in 2025, thus leaving no room for sector analysis and feedback before their Cabinet consideration.

Following this outline of our concerns about the premises of the review and its recommendations is a background document which expands on the research evidence. Please add your signature to the separate document to affirm your commitment to the concerns and recommendations in this letter.

Our concerns:

1. We are dismayed by this lack of consultation and the consequent lack of rigorous debate that the proposed recommendations from the Ministry for Regulation should rightly attract.
2. The underlying premises of the review are problematic in positing business interests above all other educational and human rights values.
3. The Review recommendations are inconsistent with the best interests of children and go against decades of research evidence on how to ensure high quality ECE. In particular, we are extremely troubled by: Recommendation 9 to remove regulated curriculum standards; and by Recommendation 10 to make staff qualification requirements flexible particularly for services in rural and lower socio-economic areas, Māori and Pasifika services, and home-based services.

We recommend that:

1. The Minister of Education, Erica Stanford, and Minister for Regulations, David Seymour, open consultation on the recommendations set out in the ECE Regulatory Review Report to enable democratic public scrutiny;
2. The basis for any regulatory change must be the best interests of children and their rights to high quality early childhood provision as evidenced in research. This requires that early childhood education be affirmed as a public good rather than a commercialised free market industry;
3. Recommendations 9 and 10 be rejected on the basis that they are inconsistent with research evidence on high quality ECE.

Background document to support letter to Prime Minister and Cabinet: *ECE Regulatory Review*

This document elaborates on our responses to the Regulatory Review report. We outline the flawed underpinning premises, and provide research evidence to support our objection to the proposals to remove licensing criteria about regulated curriculum standards (Recommendation 9), and to make staff qualification requirements flexible for services in rural and lower socio-economic areas, Māori and Pasifika services, and home-based services (Recommendation 10).

In this briefing, we comment on:

1. the premises underpinning the Review;
2. the history and purpose of ECE regulations and evidence on the benefits of high quality ECE and negative impacts of low quality ECE;
3. and identify standards for curriculum and staffing (qualifications, ratios and group size) as regulatory arrangements that support the provision of high quality, culturally responsive ECE.

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2. The basis for any regulatory change must be the best interests of children and their rights to high quality early childhood provision as evidenced in research. This requires that early childhood education be affirmed as a public good rather than a commercialised free market industry;
3. Recommendations 9 and 10 be rejected on the basis that they are inconsistent with research evidence on high quality ECE.

Premises underpinning the Review

What is the problem?

The Review of ECE Regulations frames the provision of early childhood care and education in terms of free market provision, rather than recognising its foundational role as a core public good that, like schools, is a key government responsibility, and should be funded and regulated to ensure high quality.

What premises underpin proposed solutions?

The market approach of the Review positions early childhood care and education as an industry and sector that relies on private and corporate ownership along with individual parental choice to determine access.

This transfer of government responsibility does not ensure that ECE services are of high quality, culturally responsive, available in every community, and meet the needs of families/whānau. Nor does it assure children's rights to quality education and care in their early years.

There appears to be an underlying agenda, as with the Treaty Principles Bill and the proposed Regulatory Standards Bill, to remove anything that upholds the special place of tangata whenua and Te Tiriti o Waitangi in policy and to elevate ideas that everyone is equal with no recognition of issues of historical and ongoing inequity. This is evident in Recommendations 9 and 10.

What the research evidence tells us

The premises are dangerous, flawed, and ignore the body of directly relevant Aotearoa New Zealand and international research which shows that the current free-market approach has failed spectacularly, resulting in an oversupply of ECE in high socioeconomic areas, and undersupply in rural and low-income communities[1]. Private business owners and companies running education and care and home-based services receive full government subsidies on the same basis as not-for-profit community-based services. Government subsidising such private profit is incongruent with the vital role of ECE as a public and community asset[2].

We agree with the Review that there is a need for fiscal policy to regulate how the government financial subsidies are utilised since there are currently no curbs on fees chargeable to parents, and no transparent financial accountability to government or community.

In most Canadian jurisdictions there are now agreements in place to reduce childcare fees over time by 50% and eventually to CAN\$10 a day in return for federal funding[3]. Sweden has a capped limit on fees based on family income and number of children in the household attending preschool or pedagogical care[4].

It is insufficient to rely on parental choice as a lever to ensure quality, accessible, and appropriate provision. This is a government responsibility and was the thinking behind the introduction of network planning.

History and purpose of ECE regulations

The key purpose of regulations is to protect children from harm and ensure they thrive by having their wellbeing, growth and learning supported in their ECE centre.

Parents need these regulations because ECE centres are where 71% of Aotearoa New Zealand under 5-year-olds are living their childhood. Parents need to be assured their children are safe, thriving, and building the foundations for success in life, at school, and beyond.

The first New Zealand childcare regulations, developed in 1960, were a direct response to a 1958 scandal where children were discovered in backyard care with broken bones and suffering serious neglect. It led Mabel Howard, then MP for Christchurch East, to rise in the House the next day and declare there would be childcare regulations[5]. The regulations introduced the idea of licences tied to qualifications. Since then, Aotearoa New Zealand has been on a policy trajectory towards making fully qualified staff the norm across all ECE services, earning a reputation as a leader in high quality early childhood policy and practice[6].

Recommendation 10 in the regulatory review undermines this reputation. By proposing a shift away from qualified staff, the review goes against 40 years of research evidence, across multiple jurisdictions, that identifies qualified staff as one of three policy variables – together with

appropriate adult-child ratios by age, and group size – that form the “iron triangle” of quality[7]. The variables impact both adult and child behaviour, with fewer positive interactions and less advancement in development associated with lower staff qualifications and larger group sizes.

Contemporary neurobiological research continues to highlight the critical importance of positive interactions in laying the foundations of brain architecture in first 1000 days of life. It also highlights that low quality environments where children do not experience positive interactions are actively bad for children resulting in stress that can become toxic and prevents children from gaining the social and cognitive competencies needed for learning and development[8]

Recommendation 9: Revise licensing criteria to ensure they are proportionate, effective, and support quality without overburdening providers.

What is the problem?

The Regulatory Review identifies problems with the licensing criteria and their evaluation such as: the licensing criteria are overused; have complicated wording; have multiple agencies involved in assessing the same criteria; and minor licensing breaches can result in disproportionate responses (e.g., change of license from full to provisional).

What solutions are proposed?

Revision of licensing criteria to: avoid duplication and variation in evaluation; focus on minimum standards rather than quality standards; reduce burden on providers; and ensure that compliance and risk management are the primary drivers for changing the criteria and their assessment.

What the research evidence tells us

External review of early childhood services’ ongoing capacity to maintain minimum standards of quality practice provides accountability to both government and community.

The Review proposes retention of only two curriculum criteria: one about needing to offer curriculum consistent with a prescribed framework and another about curriculum informed by assessment, planning, and evaluation that reflects children’s experiences. This change would provide little to no accountability for the quality of experiences for children and families in ECE.

In particular, the proposal to remove the licensing criteria C3 to C13 to a separate ‘guidance’ document is concerning since these specify key practices for quality early childhood provision. They address the nature of interactions children should experience, the kinds of knowledge educators should hold, how the curriculum should support children’s cultures and identities (including identities as a learner), and how children’s interests should be promoted jointly by parents and educators.

Furthermore, licensing criteria about parents’ rights to contribute to centre practices and policy are also identified for removal, as are criteria about aspects of annual planning and budgeting, human resource management, and service philosophy (GM4 to GM9). These are all crucial accountability aspects of a service’s operations, currently evaluated through external review.

We are concerned that these proposed changes will greatly reduce the capacity for high quality young children’s education and care provision to be delivered.

Recommendation 10. Allow greater flexibility in workforce qualifications to support access and quality across all areas and service types¹

What is the problem?

The qualification requirements in regulations and funding rules appear to be making it harder for new services to open in under-served communities and for existing services in those areas to expand as it is difficult for them to recruit enough qualified teachers. This means that parents cannot always access the right ECE service type in the right place to suit their preferences and that prices may be higher than if there was more supply of ECE.

What solutions are proposed?

- Allow greater flexibility in workforce qualifications to support access and quality across all areas and service types.
- Develop options to make qualification requirements more flexible, particularly for services in rural and lower socio-economic areas, Māori and Pasifika services, and home-based services.
- Amend regulations to provide for new flexibility in the qualification requirements.

What the research evidence tells us

Aotearoa New Zealand and international research evidence is clear that there is a powerful positive relationship between a well-educated, ECE qualified teaching workforce and high quality ECE provision[9]. Qualified teachers draw on their knowledge and understanding of children and teaching and learning to offer the kinds of responsive and cognitively challenging interactions and opportunities that are linked to positive outcomes[10]. All staff required by regulation to work with children and families in teacher-led ECE services should be qualified and registered ECE teachers, an aim specified in recent strategic policy plans[11] and that is widely accepted by most in the ECE sector.

Problems in recruiting qualified ECE teaching staff are prevalent in most European and English-speaking countries. These problems are widely attributed to undervaluing of the complexity of ECE work, low and unequal pay within the sector and compared with the pay of schoolteachers, poor working conditions and limited career structures[12]. Rather than reducing qualification requirements, strategies are needed to support new and existing staff to become qualified and registered teachers, given the clear link between teacher qualifications, high quality ECE and outcomes for children.

Strategies to support teacher supply, recruitment and retention have been used in Aotearoa New Zealand with considerable success. The ECE strategic plan 'Pathways to the Future: Ngā Huarahi Arataki', set targets, provided higher levels of funding to services with higher proportions of registered teachers and offered incentives aimed at increasing the percentage of registered teachers staffing teacher-led services. Incentives included grants to enable existing staff to study, scholarships for teacher education courses, relocation grants, allowances for teachers to return to teaching and a resource kit to support teacher registration. In parallel, a move was made towards an integrated and equitable pay scale across the early childhood and schools sectors. A Ministry of Education-funded policy evaluation carried out over 2004, 2006, and 2009 found a significant lift in qualification levels from 37% in 2004 to 64% in 2009[13].

Through the School Onsite Training Programme (SOTP) in primary and secondary schools, the Ministry of Education provides financial assistance to preservice teachers undertaking a one year graduate or post graduate programme with an approved ITE provider. Students are hosted in schools for 3-4 days per week while studying[14].

A similar approach to SOTP, along with the earlier strategies, could be extended to support teacher supply in ECE in areas where there are challenges in recruiting qualified teachers. Supporting teachers to become qualified and registered is preferable to reducing teacher qualifications given the clear link between teacher qualifications and quality for children.

Conclusion

All children are deserving of quality education that values their unique strengths, including their connections to family, community, and culture, as emphasised by the United Nations Convention on the Rights of the Child (UNCROC). These strengths flourish when early childhood teachers are well-qualified and culturally competent, affirming diverse identities and providing enriching, meaningful learning experiences[15]. Reducing qualification requirements risks deepening inequities and limiting opportunities to nurture children's full potential. A skilled, culturally competent workforce is essential to honouring these strengths and upholding every child's right to a quality education.

Endnotes & References

[1] Lloyd, E., & Penn, H. (Eds.). (2012). *Childcare markets: Can they deliver an equitable service*. Bristol, UK: The Policy Press.

May, H., & Mitchell, L. (2009). *Strengthening community-based early childhood education in Aotearoa New Zealand*. The Communication Initiative Network.

<https://www.comminit.com/content/strengthening-community-based-early-childhood-education-aotearoa-new-zealand>

Mitchell, L., & Meagher-Lundberg, P. (2017). Brokering to support participation of disadvantaged families in early childhood education. *British Educational Research Journal*. doi:10.1002/berj.3296

Mitchell, L., Meagher-Lundberg, P., Arndt, S., & Kara, H. (2016). *ECE Participation Programme evaluation. Stage 4*.

<https://www.educationcounts.govt.nz/publications/ECE/ece-participation-programme-evaluation-stage-4>

[2] Simon, A., Penn, H., Shah, A., Owen, C., Lloyd, E., Hollingworth, K., & Quay, K. (2022). *Acquisitions, Mergers and Debt: the new language of childcare – Main Report*. London: UCL Social Research Institute, University College London.

[3] Childcare Resource and Research Unit. (2024). Early childhood education and care in Canada 2023. Summary and analysis. Retrieved from <https://childcarecanada.org/sites/default/files/ECEC-2023-Summary-Analysis-FINAL.pdf>

[4] Eurydice. (2023). Sweden. Early childhood education and care. <https://eurydice.eacea.ec.europa.eu/national-education-systems/sweden/access>

[5] May, H (1997). The Discovery of Early Childhood. Auckland University Press with Bridget Williams Books and NZCER.

NOTE: In the 1960 regs, centres qualified for an 'A licence' if they had qualified staff and a 'B licence' otherwise. No one wanted to be classified as a B licence centre and this provided the first impetus to increasing numbers of New Zealand centres seeking qualified staff. Since 1986, New Zealand regulations have done away with A and B licences.

[6] Moss, P., & Mitchell, L. (2024). Early childhood in the Anglosphere. Systemic failings and transformative possibilities. London: UCL Press.

[7] Ruopp, R., Travers, J., Glantz, F., & Coelen, C. (1979). Children at the center: Final Report of the National Day Care Study. Cambridge, M.A.: Abt.

[8] Harvard Center on the Developing Child (2021). Toxic stress derails healthy development. <https://www.youtube.com/watch?v=WsPiJfOVlrQ>

[9] Dalli, C., White, J., Rockel, J., Duhn, I., with Buchanan, E., Davidson, S., Ganly, S., Kus, L., & Wang, B. (2011). Quality early childhood education for under-two-year-olds: what should it look like? A literature review. Wellington: Ministry of Education. <https://www.educationcounts.govt.nz/publications/ECE/quality-ece-for-under-2-year-olds>

Mitchell, L., Wylie, C., & Carr, M. (2008). Outcomes of early childhood education: Literature review. Wellington: Ministry of Education. <http://www.educationcounts.govt.nz/publications/ece/25158/48867>

Smith, A.B., Grima, G., Gaffney, M. & Powell, K. (2000) Early Childhood Education: Literature Review Report to Ministry of Education, Dunedin: Children's Issues Centre. <https://www.educationcounts.govt.nz/publications/ECE/33404>

[10] Manning, M., Wong, G. T., Fleming, C. M., & Garvis, S. (2019). Is teacher qualification associated with the quality of the early childhood education environment? A meta-analytic review. Review of Educational Research, 89(3), 370–415.

Meade, A., Robinson, L., Stuart, M., Williamson, J., & Carroll-Lind, J. (2012). Early childhood teachers' work in education and care centres: profile, patterns and purposes. Wellington, New Zealand: Te Tari Puna Ora O Aotearoa.

Mitchell, L., Meagher Lundberg, P., Mara, D., Cubey, P., & Whitford, M. (2011). Locality-based evaluation of Pathways to the Future - Nga Huarahi Arataki. Integrated report 2004, 2006 and

2009.

<https://www.educationcounts.govt.nz/publications/ECE/locality-based-evaluation-of-pathways-to-t-he-future-nga-huarahi-arataki>

Nutbrown, C. (2021). Early childhood educators' qualifications: A framework for change. *International Journal of Early Years Education*, 29(3), 236–249.

[11] Ministry of Education. (2002). *Pathways to the future: Ngā Huarahi Arataki*. Wellington, New Zealand.

Ministry of Education. (2019). *He taonga te tamaiti: every child a taonga: early learning action plan 2019-2029*. Retrieved from:

<https://planipolis.iiep.unesco.org/en/2019/he-taonga-te-tamaiti-every-child-taonga-early-learning-action-plan-2019-2029-6798>

[12] Irvine, S., Thorpe, K., & McDonald, P. (2018). Low-paid 'women's work': Why early childhood educators are walking out. *The Conversation*. <https://eprints.qut.edu.au/123027/>

Nutbrown, C. (2021). Early childhood educators' qualifications: A framework for change. *International Journal of Early Years Education*, 29(3), 236–249.

Oberhuemer, P., & Schreyer, I. (Eds.). (2018). *Early childhood workforce profiles in 30 countries with key contextual data*. www.seeepro.eu/ISBN-publication.pdf

Vandenbroeck, M., Lehrer, J., & Mitchell, L. (2023). *The decommodification of early childhood education and care. Resisting neoliberalism*. London, UK: Routledge.

[13] Mitchell, L., Meagher-Lundberg, P., Mara, D., Cubey, P., & Whitford, M. (2011). *Locality-based evaluation of Pathways to the Future - Ngā Huarahi Arataki. Integrated report 2004, 2006 and 2009*.

<https://www.educationcounts.govt.nz/publications/ECE/locality-based-evaluation-of-pathways-to-t-he-future-nga-huarahi-arataki>

Mitchell, L. (2011). Enquiring teachers and democratic politics; Transformations in New Zealand's early childhood education policy landscape. *Early Years: An International Journal of Research and Development*. <https://doi.org/10.1080/09575146.2011.588787>

[14] Ministry of Education (2025). *School Onsite Training Programme*. <https://workforce.education.govt.nz/principals-and-schools/local-employment-and-recruitment-support/school-onsite-training-programme>

[15] Mara, D., & Burgess, F. (2007). *Early literacy: Quality teaching and learning in Pasifika early childhood education*. New Zealand Council for Educational Research.

Rameka, L., & Glasgow, A. (2015). *A Māori and Pacific lens on infant and toddler provision in early childhood education*. Wilf Malcolm Institute of Educational Research, University of Waikato. https://www.waikato.ac.nz/_data/assets/pdf_file/0010/238917/Rameka-and-Glasgow-A-Maori-and-Pacific-lens.pdf

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