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## **Licensing Criteria for Hospital-Based Education and Care Services Amendment Criteria 2025**

These criteria are made under regulation 41 of the Education (Early Childhood Services) Regulations 2008 by the Associate Minister of Education after completing the consultation required by regulation 41(1).

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### **Amendment Criteria**

#### **1. Title**

These are the *Licensing Criteria for Hospital-Based Education and Care Services Amendment Criteria 2025*.

#### **2. Commencement**

These criteria come into force on 20 April 2026.

#### **3. Principal Criteria amended**

These criteria amend the Licensing Criteria for Hospital-Based Education and Care Services 2008.

#### **4. Clause 4 amended**

(1) In clause 4, replace the definition of “policy” with:

“*policy* means a statement intended to influence and determine decisions, actions, and other matters. Policies are required to be implemented;”

(2) In clause 4, replace the definition of “procedure” with:

“*procedure* means a particular and established way of doing something. Procedures are required to be implemented;”

(3) In clause 4, replace the definition of “specified agency” with:

“Any government agency or statutory body that an early childhood education and care service is required under legislation to notify if there is a serious (or as defined) injury, illness, incident involving a child. This may include but is not limited to:

- the New Zealand Police
- the Ministry of Health
- Oranga Tamariki
- WorkSafe New Zealand
- the Teaching Council of Aotearoa New Zealand”

## 5. Clause 6 replaced

Replace clause 6 with:

“6 Criteria to assess Curriculum standard

## 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.

### **Criteria to assess Curriculum standard**

#### *Professional practice*

#### **C301**

The service curriculum is consistent with any prescribed curriculum framework that applies to the service.

**C302**

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.

**C303**

Adults providing education and care engage in meaningful, positive interactions to enhance children’s learning and nurture reciprocal relationships.

**C304**

The practices of adults providing education and care demonstrate an understanding of children’s learning and development, and knowledge of relevant theories and practice in early childhood education.

*Culture and identity*

**C305**

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.

**C306**

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*

**C307**

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.

**C308**

The service curriculum provides a language-rich environment that supports children’s learning.

**C309**

The service curriculum provides children with a range of experiences and opportunities to enhance and extend their learning and development – individually and in groups.

**C310**

The service curriculum supports children’s developing social competence and understanding of appropriate behaviour.

*Working with others*

**C311**

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

### **C312**

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

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

### **C313**

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

#### **Documentation required**

Documentation that provides evidence of the service's compliance with criteria C301 – C313. 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 (C310);
2. A process for providing formal and informal opportunities for parents to:
  - communicate with adults providing education and care about their child, and share specific evidence of the child's learning; and
  - be involved in decision-making concerning their child's learning (C312);
3. A record of information and guidance sought from agencies and/or services (C313)."

#### **6. Clause 7 replaced**

Replace clause 7 with:

"7 Criteria to assess Premises and facilities standard

### **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.

## **Criteria to assess Premises and facilities standard**

### *General*

#### **PF301**

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

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

#### **Documentation required**

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

#### **PF302**

A sufficient quantity and variety of furniture, equipment, and materials is provided to ensure children have timely access to appropriate learning challenges, experiences, and opportunities that support their developmental stages, abilities, and current and emerging interests.

#### **PF303**

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

#### **PF304**

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

#### **PF305**

There is space (where children are not present) for adults working at the service to:

- use for planned breaks;
- meet privately with parents and colleagues;
- store curriculum support materials; and
- assess, plan and evaluate.

#### **PF306**

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

### *ECE Activity Room*

#### **PF307**

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

#### **PF308**

There are safe and comfortable spaces in any ECE Activity Room for infants, toddlers, or children not walking to lie, roll, creep, crawl, pull themselves up, learn to walk, and to be protected from more mobile children. This does not prohibit infants and toddlers from moving throughout the premises, learning alongside older children.

#### **PF309**

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

#### **PF310**

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

#### **PF311**

There are facilities (or appropriate arrangements in place) for hygienic handwashing and drying in any ECE Activity Room.”

## **7. Clause 8 replaced**

Replace clause 8 with:

“8 Criteria to assess Health and safety practices standard

## **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 steps 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.

## **Criteria to assess Health and safety practices standard**

### *Hygiene*

#### **HS301**

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

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

#### **Documentation required**

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

#### **HS302**

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

#### **HS303**

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

#### **HS304**

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

#### **Documentation required**

A record of the emergency drills carried out.

### **HS305**

Safe and hygienic practices are implemented with regard to any animals at the service (such as thorough handwashing after handling animals and ensuring animals can be kept separate from food preparation/eating spaces). All animals can be restrained if they pose a risk to children.

### **HS306**

Whenever children leave the premises on an excursion:

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

### **Documentation required (written or digital)**

A record of excursions that includes:

- the names of all adults and children involved;
- the time and date of excursion;
- the location and method of travel;
- completed risk assessment and management process; and
- evidence of parental permission and approval of adult:child ratios, location and method of travel.

### **HS307**

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

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

### **Documentation required**

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

### ***ECE Activity Room***

### **HS308**

Maintain a comfortable temperature in any ECE Activity Room used by children (no lower than 18°C at 500mm above the floor), allowing for fluctuating temperatures for brief periods. If applicable, any thermometers fixed on walls are positioned out of children's reach and no higher than 1500mm above the floor.

### **HS309**

1. Any ECE Activity Room and equipment used by children as part of the ECE programme are checked every day for hazards. Checks include at least:

- cleaning agents, medicines, poisons and other hazardous materials;
- electrical sockets and appliances;
- vandalism, dangerous objects and foreign materials;
- the conditions and placement of learning, play and other equipment;
- bodies of water; and
- heavy furniture, fixtures and equipment that could fall or topple and cause serious injury or damage.

2. Hazards are eliminated, isolated or minimised.

**Documentation required (written or digital)**

A documented risk assessment and management system.

**HS310**

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

*Child Protection*

**HS311**

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

**HS312**

A written child protection policy and procedure is implemented that meets the requirements of the Children's Act 2014.

The policy and procedure contain provisions for:

- the identification and reporting of child abuse and neglect;
- information about how the service will keep children safe from abuse and neglect; and
- how the service will respond to suspected child abuse and neglect.

The policy and procedure must be reviewed every 3 years to assess how well it has supported or would support the service's response to child abuse and neglect.

**Documentation required (written or digital)**

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

3. Evidence the service has reviewed the policy and procedure every 3 years. As part of the review, the service must evaluate how well the policy and procedure works using at least one example of either:
- how well the policy and procedure has supported the service to respond; or
  - how well the policy and procedure would support the service to respond using a hypothetical scenario.

### **HS313**

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

### **HS314**

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

### **HS315**

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.”

## **8. Clause 9 replaced**

Replace clause 9 with:

“9 Criteria to assess Governance, management and administration standard

## **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—
- (aa) the service has regard to any statement of National Education and Learning Priorities; and
  - (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 2 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.

## **Criteria to assess Governance, management and administration standard**

### *Parent involvement and information*

#### **GMA301**

The following are prominently displayed in any ECE Activity Room:

- the service's current licence certificate; and
- the name and contact details of a person who parents, whānau, and visitors can contact for questions about the service and/or to make a complaint.

#### **GMA302**

Parents and whānau are provided with information on how to access the following, in either written or digital format:

- the Education (Early Childhood Services) Regulations 2008;
- the Licensing Criteria for Hospital-based Education and Care Services 2008;
- information about any changes to the service's licence status;
- the most recent Education Review Office report regarding the service;
- the full names and qualifications of each person counting towards regulated qualification requirements;
- information concerning their child;
- any fees charged by the service;
- how they can be involved in the service;
- the service's operational documents;
- any planned reviews and consultation;
- the amount and details of the expenditure of any Ministry of Education funding received by the service; and

- a procedure for parents and whānau to follow if they wish to make a complaint about the service. The procedure should include details on who to contact and the contact information for the local Ministry of Education office.

### **GMA303**

There is evidence in either written or digital format that parents and whānau of children participating in the service and adults providing education and care have been provided with opportunities to contribute to the development and review of the service's operational documents.

#### *Professional practices*

### **GMA304**

There is an ongoing review process that supports the service to maintain and implement operational policies and practices. The process supports improvements where changes are needed.

#### **Documentation required (written or digital)**

- A process for reviewing the service's delivery of operational policies and practices;
- the process is consistent with criterion GMA303; and
- recorded outcomes from the review process.

### **GMA305**

Suitable human resource management processes are implemented. Processes include:

- induction procedures into the service;
- provision for professional development;
- a definition of serious misconduct; and
- discipline/dismissal procedures.

### **GMA306**

Before a person is employed or engaged as a children's worker, as defined in the Children's Act 2014, a safety check as required by that Act must be completed.

A detailed record of each component of the safety check must be kept, and the date on which each step was taken must be recorded, including the date of the risk assessment required to be completed after all relevant information is obtained. These records must be kept by, or available to, the service provider as long as the person is employed or engaged.

Every children's worker must be safety checked every 3 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 employment or engagement of the worker commences that meets the safety checking requirements of the Children's Act 2014.
2. A record of all safety checks and the results.

*Planning and documentation*

**GMA307**

An annual plan guides the service's operation.

Note: this criterion only applies in respect of the Secretary's assessment of probationary applications where the applicant does not hold a current licence and applications to amend a licence where the different legal entity does not hold a current licence.

**Documentation required**

An annual plan identifying 'who', 'what', and 'when' in relation to key tasks the service intends to undertake each year.

**GMA308**

An annual budget guides financial expenditure.

Note: this criterion only applies in respect of the Secretary's assessment of probationary applications where the applicant does not hold a current licence and applications to amend a licence where the different legal entity does not hold a current licence.

**Documentation required**

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

- staffing costs, including leave entitlements;
- professional development costs;
- equipment and material costs for the ongoing purchase of new equipment and consumable materials; and
- provision for operational costs and maintenance of the premises as appropriate.

**GMA309**

Adults providing education and care have access to information held by the hospital for each child participating in the service.

Attendance records are maintained for each participating child. Records are kept for at least 7 years.

**Documentation required**

Attendance records for each child currently participating and for those who have participated in the previous 7 years. Records meet all the requirements of the ECE Funding Handbook.

**GMA310**

Required documentation is made available as appropriate to parents and government officials having right of entry to the service under section 626 of the Education and Training Act 2020."

[IN-CONFIDENCE]

Made at Wellington on 10<sup>th</sup> day of November 2025

A handwritten signature in blue ink, appearing to read 'D Seymour', written over a horizontal line.

Hon David Seymour  
Associate Minister of Education

This is secondary legislation issued under the authority of the Legislation Act 2019.

[IN-CONFIDENCE]