



**Te Tāhuhu o
te Mātauranga**
Ministry of Education

**Application to Become a
Home-based Early Learning
Service**
Education (Early Childhood Services)
Regulations 2008

EC1-HB

(OFFICE ONLY) DATE RECEIVED

Before completing this form, contact your [local Ministry office](#) so we can explain what the application process involves.

This application must be completed by a person involved in the governance of the proposed service.

This application will incur a non-refundable application fee of \$2,817.50 inclusive of GST.

Section 10 of the Education and Training Act 2020 defines home-based education and care service as:

- (a) *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 in 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) *5 years of age but not enrolled in school*

Section 19 of the Education and Training Act 2020 details the requirements for licensed home-based education and care service as:

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

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

Only home-based services that meet all of the above may submit an application for a licence.

Privacy Statement

Purpose

The purpose of this privacy statement is to inform you about the EC/1 application to become a home-based service and how the Ministry of Education (the Ministry) will collect, store, use and share your personal information.

Why are we collecting your personal information?

Sufficient information must be collected to carry out the assessment of the application, including assessing whether any relevant person is a fit and proper person (within the meaning of regulation 8) to hold a licence, reviewing the licence the application relates to, and disclosing the Ministry’s decision on the application to the applicant.

You do not have to provide the information requested in the application form, but the Ministry may not be able to process the application if you do not provide it.

What personal information will be collected?

This application form collects personal information to assess your application under the Education (Early Childhood Services) Regulations 2008 (the regulations). We will collect personal information from you, including, contact details (e-mail address, address, and telephone numbers).

How will we use your personal information?

We use this information to:

- make licensing decisions, such as whether your service meets the requirements of the regulations and licensing criteria
- maintain accurate records, including data quality and compliance, ongoing regulatory compliance documentation and historical licence data
- investigate complaints or incidents, ensuring we can follow up on issues or safety concerns
- produce directories, reports, and statistical analysis, which may be shared publicly or with government agencies for transparency and oversight
- share relevant information with the Education Review Office (ERO) to support their evaluation and review functions
- communicate important updates, including changes in regulations, licensing requirements, or professional development opportunities relevant to your service.
- We may also use aggregate level information within the Ministry for the purposes of monitoring, maintaining, and improving licensed early childhood services and education related research and statistics. Any analysis we will carry out on the information provided will be done in a way that does not allow for you or your information to be uniquely identified.

How will we keep personal information safe?

It is important that we keep individuals' information safe and secure.

We maintain a secure environment for the protection of all personal information we collect, hold and use. We have appropriate privacy and security safeguards in place to protect your personal information from loss, unauthorised access, use, or disclosure.

Only authorised staff in the Ministry will have access to your information, and access to your information will only be for the purposes above.

Sharing of your personal information

The information collected in this form, unless otherwise stated, will not be disclosed to any third parties unless it is authorised or required by law.

We may also disclose personal information where we are required or authorised to do so by legislation.

Your rights under the Privacy Act 2020

You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you or anyone named in this application would like to request access to or correction of your personal information, please contact your Ministry regional office.

<p>Sole Trader Declaration <i>(This declaration is only applicable to applicants operating as Sole Traders)</i></p> <p><i>Please see section 12, note 4 for more information.</i></p>	<p>Sole Trader consent is required under section 548A(1)(b) of the Education and Training Act 2020, for the Ministry of Education (authorised under Part 5 of the Data and Statistics Act 2022) to disclose data held in Statistics New Zealand Integrated Data Infrastructure related to your service.</p> <p>This consent only applies to data disclosed at the level of an early childhood service and will solely be used be for the purposes of developing or using tools relating to the provision of funding to early childhood services, i.e., an equity index, as provided for in section 548A(1) of the Education and Training Act 2020.</p> <p>The privacy of the children and families is protected, as data in the IDI is governed by robust confidentiality rules and is de-identified.</p> <p>You may withdraw your consent at any time by notifying the Ministry in writing.</p> <p><input type="radio"/> I authorise consent <input type="radio"/> I do not authorise consent</p> <p>Signature <input type="text"/> Date <input type="text"/></p>								
<p>Service Provider Address</p> <p><i>These addresses relate to the service provider. This may be different from the service's addresses.</i></p>	<p>Street Address</p> <p><input type="text"/></p> <p>Suburb / District <input type="text"/></p> <table border="1" data-bbox="320 891 1522 969"> <tr> <td>Town / City <input type="text"/></td> <td>Postcode <input type="text"/></td> </tr> </table> <table border="1" data-bbox="320 969 1522 1048"> <tr> <td>Phone Number <input type="text"/></td> <td>Mobile Number <input type="text"/></td> </tr> </table> <p>Email <input type="text"/></p>	Town / City <input type="text"/>	Postcode <input type="text"/>	Phone Number <input type="text"/>	Mobile Number <input type="text"/>				
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<p><i>If different from Street Address</i></p>	<p>Website <input type="text"/></p> <p>Postal Address</p> <p><input type="text"/></p> <p>Suburb / District <input type="text"/></p> <table border="1" data-bbox="320 1464 1522 1565"> <tr> <td>Town / City <input type="text"/></td> <td>Postcode <input type="text"/></td> </tr> </table> <p>Special Delivery Instructions <input type="text"/></p>	Town / City <input type="text"/>	Postcode <input type="text"/>						
Town / City <input type="text"/>	Postcode <input type="text"/>								
<p>2. Applicant Details</p>									
<p><i>A person must be listed for the purposes of this application. This person must be from the service provider and is the person who must complete this application, including the</i></p>	<table border="1"> <tr> <td>First Name <input type="text"/></td> <td>Middle Names <input type="text"/></td> </tr> <tr> <td colspan="2">Family Name <input type="text"/></td> </tr> <tr> <td>Phone Number <input type="text"/></td> <td>Mobile Number <input type="text"/></td> </tr> <tr> <td colspan="2">Email <input type="text"/></td> </tr> </table>	First Name <input type="text"/>	Middle Names <input type="text"/>	Family Name <input type="text"/>		Phone Number <input type="text"/>	Mobile Number <input type="text"/>	Email <input type="text"/>	
First Name <input type="text"/>	Middle Names <input type="text"/>								
Family Name <input type="text"/>									
Phone Number <input type="text"/>	Mobile Number <input type="text"/>								
Email <input type="text"/>									

<p><i>Application Declaration in section 9 and if applicable, the Statutory Declaration in section 10.</i></p> <p><i>Note: Applicant details are not included in online directories.</i></p>	
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3. Funding Details

<p>Funding Contact Details <i>This person will receive financial forms (e.g. RS7) from the Ministry of Education and be the contact for funding matters.</i></p> <p><i>Note: Funding contact details will not be included in the online directories.</i></p>	First Name	Middle Names
	Family Name	
	Phone Number	Mobile Number
	Email	

4. Service Details - *Information provided in this section may be included in online Ministry of Education directories.*

These are details of the service for which the application is being made.

<p>Service Name <i>This is the name your service is known as.</i></p>		
<p>Service Provider Contact Person Details <i>This is the person nominated by the service provider to represent it and whose name will appear on the certificate of licence.</i></p> <p><i>Please see section 12, note 1 for more information about the service provider contact person requirements.</i></p> <p><i>Note: Service</i></p>	First Name	Middle Names
	Family Name	
	Address	
	Suburb / District	
	Town / City	Postcode
	Special Delivery Instructions	
	Phone Number	<input type="radio"/> Tick if the phone number can be included in online directories.
	Mobile Number	<input type="radio"/> Tick if the mobile number can be included in online directories.
	Email	<input type="radio"/> Tick if the email can be included in online directories.

provider contact, name, email and phone number may be included in the online directories.

As the proposed service provider contact person, I confirm that I meet and will continue to meet the requirements of a service provider contact person as detailed in Section 11, note 1.

Signature

5. Nomination of Emergency Contact

The emergency contact person is an important link between your Home-based ECE service and the Ministry of Education during emergencies. In situations such as a bomb threat, earthquake, or other serious incidents, fast and accurate communication helps keep children, staff, and the community safe. We use the **Mataara Emergency System** to communicate quickly. The emergency contact provides a contact for sharing urgent information and receiving guidance from the Ministry or other agencies when assistance is needed onsite.

Accurate contact details are essential—delays or incorrect information can compromise safety and slow our response.

Emergency Contact Person <i>Note: Emergency contact details will not be included in the online directories.</i>	First Name	Middle Names
	Family Name	
	Phone Number	Mobile Number
Email		

6. Operating Details

The operating details provided below will inform the conditions under which the service will be authorised to operate, and which will be listed on the certificate of licence.

	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday	
	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End
Times														
Max # child places *														

* The maximum number of child places refers to the total number of children the service can accommodate, which can include all children under two years old, all children over two years old, or a combination of both.

Notes:

- The person responsible requirements must be met for all hour’s children are attending. *Refer to person responsible requirements Reg.44(1)(d)(i)*
- The initial licence you receive may be issued for a lower maximum number of children than the service can be licensed for. In determining the maximum number, consideration is given to how many children are ready to enrol and your staffing numbers. As you increase enrolments and staffing, you can apply to increase your maximum number using an EC8 form.

7. Early Learning Information (ELI) System

<p>ELI Email</p> <p><i>This is the email address that the Ministry of Education will use to contact the service for ELI related matters.</i></p> <p><i>Note: ELI information will not be included in the online directories.</i></p>	<p>Email</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>As the service provider, I am aware of the Early Learning Information (ELI) System and the information requirements.</p>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>As the service provider, I have selected a method to connect to the Early Learning Information (ELI) System.</p>
<p>If 'Yes'</p>	<input type="radio"/> ELI Web, or
	<input type="radio"/> Student Management System. <i>Indicate SMS below.</i>
	<p>Please state SMS:</p>

8. Confirmation of Curriculum Framework Pathway

Please identify the curriculum framework pathway chosen by the service. For more information, please visit [Te Whāriki Online \(education.govt.nz\)](http://www.education.govt.nz/whariki).

<p>Curriculum framework pathway</p>	<input type="radio"/>	<p>Te Ara Māori</p>	<input type="radio"/>	<p>Te Ara Whānui</p>
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9. Confirmation of Language

Please identify the primary language option chosen by the service. Please select one option.

<input type="checkbox"/>	English	<input type="checkbox"/>	Micronesian – not further defined
<input type="checkbox"/>	Te Reo Māori	<input type="checkbox"/>	Pukapukan: Pukapuka: Bukabuka
<input type="checkbox"/>	Arabic/Egyptian	<input type="checkbox"/>	Reo Tahiti – Tahiti
<input type="checkbox"/>	Central Pacific – not elsewhere defined	<input type="checkbox"/>	Solomon Aelan Pijin
<input type="checkbox"/>	Chinese / Japanese	<input type="checkbox"/>	Te 'Gana Tuvalu – Tuvaluan
<input type="checkbox"/>	Dorerin Naoero – Nauru	<input type="checkbox"/>	Te Reo Māori Kūki Āirani
<input type="checkbox"/>	Fäeag Rotuam – Rotuman	<input type="checkbox"/>	Te Taetae ni Kiribati: Kiribati
<input type="checkbox"/>	French	<input type="checkbox"/>	Vagahau Niue - Niuean
<input type="checkbox"/>	Gagana Sāmoa - Samoan	<input type="checkbox"/>	Vanuatu Languages
<input type="checkbox"/>	Gagana Tokelau - Tokelauan	<input type="checkbox"/>	Vosa Vaka-Viti – Fijian
<input type="checkbox"/>	Korean	<input type="checkbox"/>	Other
<input type="checkbox"/>	Lea Faka-Tonga - Tongan		

If you select a language other than English, you may be eligible to receive Equity Funding Component C "language and culture other than English". Complete and submit an [EC15 form](#) "Application to receive Equity Funding for providing early childhood Education in language other than English" to: resourcing@education.govt.nz

10. He Pānui Kōhungahunga – the Early Learning Bulletin

The Ministry publishes a bulletin which is emailed to all service providers. The bulletin is the Ministry's way of communicating important information, changes and events happening in the early learning community.

Ensure that you read and engage with information in the bulletin to stay up to date and remain compliant.

If you would like the bulletin emailed to others within the service, please add their information through the bulletin sign up page:

[Early Learning Bulletin](#)

11. Application declaration

The applicant (the person who completed Section 1) must complete the applicant declaration below.

I am applying under the Education (Early Childhood services) Regulations 2008 for a new home-based licence.

I confirm that to the best of my knowledge the information contained in this application is correct and accurate.

I confirm that all educators in the service will receive gain or reward for their work as an educator. See section 12, note 3 for more information.

Applicant name

Applicant signature

Date

12. Statutory Declaration by Service Provider

- This statutory declaration must be completed and signed by the applicant identified in Section 1 in front of the authorised person under Section 9 of the *Oaths and Declarations Act 1957*.
- Service providers that own or operate more than one service may wish to photocopy this part of the form once completed. Please note that the statutory declaration should be no older than 3 months if you intend to use it for subsequent licence applications.
- **For more information about the statutory declaration, see section 12, note 2.** This also tells you what you must do if any circumstance arises which might make this statutory declaration incorrect.

STATUTORY DECLARATION

(First Schedule, Oaths and Declarations Act 1957)

TO ACCOMPANY APPLICATIONS FOR LICENCES TO OPERATE EARLY CHILDHOOD HOME-BASED EDUCATION AND CARE SERVICES

I _____ of _____
 (insert full name of person completing application) (Insert place of abode)

 (Insert occupation)

Note: To complete this declaration – you must tick one of the options have/do not have

I SOLEMNLY AND SINCERELY DECLARE THAT:

I am a [director/controller/officer] of _____ [entity], which is applying for a probationary licence for an early childhood service. I have full authority to make this declaration on _____ [entity]'s behalf.

To the best of my knowledge, I, and each person who is involved in the governance of the proposed service:

a	<input type="radio"/> have <input type="radio"/> do not have	any previous conviction for any offence
b	<input type="radio"/> have <input type="radio"/> do not have	any involvement in, or association with, an organisation that has been convicted of an offence
c	<input type="radio"/> have <input type="radio"/> do not have	any history of health conditions that may affect the individual's ability to comply with the <i>Education and Training Act 2020</i> (the Act), the <i>Education (Early Childhood Services) Regulations 2008</i> , and any regulations made under section 636 of the Act
d	<input type="radio"/> have <input type="radio"/> do not have	any property order or personal order under the <i>Protection of Personal and Property Rights Act 1988</i> to which the person is, or has been, subject
e	<input type="radio"/> have <input type="radio"/> do not have	any sum of money owed, or previously owed, to the Crown, including in respect of bodies that the individual has been involved in managing
f	<input type="radio"/> have <input type="radio"/> do not have	any adjudication of bankruptcy under the <i>Insolvency Act 2006</i> or the <i>Insolvency Act 1967</i>
g	<input type="radio"/> have <input type="radio"/> do not have	any prohibition on being a director or promoter of, or being concerned or taking part in the management of,— (i) a company under the <i>Companies Act 1993</i> ; or

		(ii) any other body corporate
h	<input type="radio"/> have <input type="radio"/> do not have	any current or previous role as a governing member of an entity or organisation that became insolvent, including being placed in liquidation, receivership, or voluntary administration
i	<input type="radio"/> have <input type="radio"/> do not have	any prohibition against acting as an employer or an officer of an employer under the <i>Employment Relations Act 2000</i> to which the individual is, or has been, subject
j	<input type="radio"/> have <input type="radio"/> do not have	any 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
k	<input type="radio"/> have <input type="radio"/> do not have	previous registration with the Teaching Council of Aotearoa New Zealand, and that registration was cancelled for any reason.

I understand that:

1. This information is required for the purpose of enabling the Ministry of Education to determine whether members of the service provider, including the applicant, are suitable to be involved in the governance of the proposed service.
2. This information is required pursuant to regulations 6(3)(b) of the *Education (Early Childhood Services) Regulations 2008*.
3. I must complete this application **on behalf of myself and each person to be involved in the governance of the proposed service**. See Section 14, note 2 for clarification.
4. It is an offence under section 111 of the Crimes Act 1961 to make a false declaration where that declaration would amount to perjury if made on oath in a judicial proceeding.
5. Where I have answered in the affirmative to any statement above, I have attached all the relevant details in relation to the matter.

Note: Do not complete the following section until you are in front of the authorised person witnessing your declaration.

After the declaration is made and signed, there must not be any alterations. (Refer to Section 14, note 2)

I make this solemn declaration conscientiously believing the same to be true and by virtue of the *Oaths and Declarations Act 1957*

Your signature _____

Declared at _____ this _____ day of _____.
(Place, for example, town or city) (insert day, e.g. 21st) (insert month and year)

Before _____ **(Signature of person taking declaration)**
(Justice of the Peace or other person authorised to take a Statutory Declaration)

_____ **(Full name of person taking declaration)**

_____ **(Capacity, e.g. Barrister, Justice of the Peace)**

***Service provider** means in relation to a home-based education and care service, the body, agency, or person who provides, or offers to provide, that education or care.

13. Documentation Checklist

The following documentation (except the RS3 form) is required to be submitted with your application to the regional office of the Ministry of Education for consideration. Regulation numbers refer to the *Education (Early Childhood Services) Regulations 2008* unless otherwise noted. More information is available here - [Laws and regulations for early learning services - Ministry of Education](#)

General requirements

- 1) A list of names and roles of all persons to be involved in the governance of the service as set out in Regulation 6(3)(b).
- 2) Copy of Police vet (less than 3 years old) for each individual involved in the governance of the service who is not a children's worker as set out in Regulation 8(a).

*Note: A Notice of Network Approval **which has not expired** can be provided to satisfy this requirement. You must still provide a Police vet for any governance member not listed on the notice, or if any member has a conviction to declare.*

A new Police vet may be required after assessment of this application in some cases (e.g. if the Ministry needs to further verify a declaration to be true).
- 3) Certificate of Incorporation as a company, charitable trust or incorporated society if applicable.
- 4) IRD notification of charitable tax status if applicable.
- 5) Certified copies of recognised teaching qualifications and evidence of practising certificates for all persons responsible (coordinators) as set out in Regulations 6(3)(a) and 44(1)(a)(i) and Schedule 1A. <https://www.education.govt.nz/education-professionals/early-learning/people-and-employment/qualification-requirements-and-persons-responsible-role#qualification-and-person-responsible-requirements-for-different-service-types>
- 6) Evidence of sufficient person/s responsible at the 1:50 ratio (i.e. one person responsible for every 50 children) to cover all hours children are attending and maximum child places. Additional person/s responsible may be needed depending on the hours of operation as set out in Regulation 6(3)(a) and 44(1)(d).
- 7) Evidence the person responsible is not acting for more than one licensed service at the same time as set out in Regulation 62(2).
- 8) Evidence of how educators will be proactively informed of who their person responsible is and how to contact them, in advance of children attending, including how educators will be proactively informed if their person responsible is unavailable (e.g. sick or on leave) as set out in Regulation 44 (1)(d)(i).
- 9) A list of educators and their home-based service qualifications. Provide certified copies of recognised qualifications for all qualified educators or as set out in Regulation 28(1)(e) and Schedule 1A (See Section 12, Note 5)
- 10) Copy of a list showing the addresses of each of the premises to be used for the provision of the home-based service as set out in Regulation 10. *Identify with an asterisk, any homes that are also being used by another service provider.*
- 11) Evidence that the service provider contact person resides locally e.g., copy of a utility bill, tenancy agreement as set out in Regulation 3. (See Section 12, Note 1)

Plans, policies, and procedures - provide copies of the following:

- 12) Copy of the service provider's procedure for safety checking before employment or engagement of all persons who have access to children in accordance with the Children's Act 2014. Also provide copies of completed safety checking records and results for all children's workers as set out in licensing criterion GMA205.

Note: If the service provider engages a children's worker who has lived overseas, it is recommended that there is a process to obtain a copy of a police certificate from the person's country of citizenship and from any country in which they have lived for one or more years within the last ten years in addition to a New Zealand Police vet.

- 13) Copy of the service provider’s procedure to obtain a New Zealand Police vet and conduct a risk assessment of information returned in the vet for every adult aged 17 years or over who lives in a home where the service is being provided, and where at least 1 child to whom the service is being provided does not live in the home. Also, copies of all Police vets and their results for every adult aged 17 years old or over. As set out in Schedule 4 of the Education and Training Act 2020. *Risk assessment guidelines:* <https://www.education.govt.nz/education-professionals/early-learning/health-and-safety/risk-assessments-after-police-vet-early-learning-services>
- 14) A written child protection policy and procedure 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 it will respond to suspected child abuse and neglect. As set out licensing criterion HS222.
- 15) A process for providing positive guidance to encourage social competence in children as set out in licensing criterion C210.
- 16) Provide copies of individual supervision plans for each of the premises used in connection with the service: The supervision plan ensures the health, safety and wellbeing of children enrolled in the service is maintained at all times and must be specific to each home in the service as set out in licensing criterion HS228.
- 17) A written emergency plan and supplies to ensure the care and safety of children and the educator both at the home and away from home. The written emergency plan must also include out-of-school care children if out-of-school care is being provided in the home, as set out in licensing criterion HS204.
- A process for providing regular opportunities (formal and informal) for parents engage in their child’s learning as set out in licensing criterion C212.
- 18) Written or digital evidence that parents and whānau are provided with information on how to access how to access information as set out in licensing criteria GMA201.
- 19) A copy of the enrolment form that will be used by the service that meets the requirements of the ECE Funding Handbook as set out in licensing criteria GMA208.
- 20) **New Service providers only:** A copy of the service’s annual plan identifying “who”, “what”, and “when” in relation to the key tasks the service intends to undertake each year as set out in licensing criterion GMA206

Fees and Funding Forms

- 21) Evidence that the application fee of \$2,817.50, inclusive of GST, has been paid. Payment to Westpac Bank account number: 030049 0004125 00. Please use your proposed service’s name and your local Ministry office as a reference.
- 22) A completed RS3 funding form. *This is not a required document at the time of the EC1 application but recommended. It can be submitted later but **must be received before Government funding can be accessed.***

To be completed by Ministry of Education officers *only*

Date	<input type="radio"/> Complete	<input type="radio"/> Incomplete
Service Provider Details		
Service Provider Number (ECA number)	Licence number	
Effective Date <i>(This is the day service will open)</i>	<input type="radio"/> Granted	<input type="radio"/> Declined

14. Information to Assist Applicants

Note 1: Nominating a Service Provider Contact Person

The Education (Early Childhood Services) Regulations 2008 require a contact person to be nominated for each service for which a licence is sought, and this person's name is displayed on the certificate of licence. The service provider is legally responsible for meeting regulatory requirements, not the contact person. However, the contact person must:

- represent the service provider;
- be able to respond to the Ministry of Education as soon as practicable on any issue relating to licensing;
- have the authority to act on behalf of the service provider; and
- reside locally.

In relation to the last bullet point, a person will generally be considered to 'reside locally' if they live within the geographical boundaries serviced by the local Ministry of Education office. Contact your local Ministry of Education office to discuss further if you are unsure whether the contact person would meet this requirement.

Note 2: Completing Section 10 (Statutory Declaration)

Who can I get to sign my statutory declaration?

- Section 9 of the Oaths and Declarations Act 1957 lists those who are authorised to take a statutory declaration.
- It is your responsibility to ensure that the person you select is authorised to witness your declaration.
- You will need to sign the statutory declaration **in front of the authorised person** you have chosen. Please be aware that after the declaration is made and signed, there must not be any alterations.
- You should check that the person notes on the form, with their signature, their full name and the capacity under which they are signing the declaration, eg Justice of the Peace, barrister of the High Court.

Who does the statutory declaration have to cover?

When the **governance of the proposed service is made up of a group of people**, the statutory declaration needs to cover the officers of the organisation that has identified itself as the service provider. In most cases, the deed of incorporation for the legal entity will determine this. The following table outlines the most common scenarios for service providers.

If the service provider is...	Then the statutory declaration should cover ...
An incorporated society	the office holders (such as Secretary, Treasurer and President)
A trust board	the board members
A company	the company director(s)
An individual person (whether registered as a legal entity or not)	only that person
An unincorporated body	the people that identify themselves as being part of the governing body

Is there any other matter that needs to be declared to the Director of Regulation?

Regulation 7 of the Education (Early Childhood Services) Regulations 2008 enables the Director of Regulation to require a statutory declaration for any other matter considered relevant. As per this regulation, the Director of Regulation requires the applicant and those involved in the governance of the service to declare whether any governance members were previously registered with the Teaching Council of Aotearoa New Zealand, and that registration was cancelled for any reason.

How do I get the information I need from the people covered by the statutory declaration?

As the person signing the statutory declaration, you must satisfy yourself that the information supplied is correct. How you collect this information from the other people covered by the statutory declaration is up to you and your organisation. There is a range of ways that this might be done, including:

Information gathered through your recruitment or election processes	Personal knowledge of the person
Verbal assurances	Written attestation

Seeking Police vets in relation to past convictions

Individual statutory declarations from each person covered (so that the statutory declaration to the Ministry of Education becomes a composite of individual declarations to the applicant)

How do I decide how to respond to the statements on the statutory declaration?

- You must tick one of the options at the beginning of each statement.
- If the service provider is a group of people and an affirmative answer applies to one or more people you must answer in the affirmative on the statutory declaration.
- Most of the statements are relatively straightforward – people will know whether or not they have any convictions, adjudications of bankruptcy etc.
- The main exception will be statement (c) regarding health conditions. It is important to be clear about the difference between (1) a mental/physical condition that might prevent people from managing their role in complying with the conditions of a licence or obligations under the regulations and (2) any other condition that would not have this kind of impact. Relevant factors to consider might include, for example, health problems that require frequent hospitalisation or sick leave, or that might render a person unconscious or quickly incapacitated. Frequency and severity of those conditions might also be relevant.

What will the Ministry of Education do if I answer in the affirmative (i.e. 'have') to any of the statements on the statutory declaration?

If you answer in the affirmative, you must attach all relevant information in relation to the matter. Answering in the affirmative to any statement does not automatically exclude the service provider from being deemed fit and proper to hold a licence. Given the range of unique circumstances that may be identified, all decisions about whether or not to grant a licence are made on a case-by-case basis.

What do I need to do if something changes – new people become part of the service provider, or people's circumstances change that make the statutory declaration incorrect?

Regulation 35 of the Education (Early Childhood Services) Regulations 2008 requires that a service provider must notify the Ministry of Education as soon as practicable if any of the circumstances under (a) to (k) on the statutory declaration form have changed for any person who is covered by the statutory declaration. You do not need to notify the Ministry of Education every time someone new becomes part of the service provider UNLESS that person's circumstances make the information you have provided on the statutory declaration incorrect. Verbal or written advice of a change of circumstances will be accepted and a new statutory declaration will not be required.

The Ministry of Education will then review the new information and decide whether the service provider continues to be fit and proper to hold a licence. Given the range of unique circumstances that may be identified, all decisions are made on a case-by-case.

Important: If you intend to use the statutory declaration in subsequent licence applications for other services you may own or operate, the statutory declaration **should be no older than 3 months** in order to be accepted.

Note 3: Gain or Reward Requirement

Providing a quantifiable benefit to educators, that is some form of payment that directly benefits the educator and that relates to the amount of work they do, is required to meet the provision for gain or reward. There needs to be a clear link between the payment received and the work completed. For more information, please visit: [How providers can meet the gain or reward requirement - Ministry of Education](#)

Note 4: Sole Trader Declaration

When the Data and Statistics Act 2022 came into force, the Ministry was no longer able to calculate and then release the equity index number from the IDI for non-public organisations to input into the funding calculations. In late August 2023, Parliament passed a change to the Education and Training Act 2020 that allows the Ministry to release this data. The term used in the legislation for releasing the equity index data is disclose.

For sole traders the equity index number is considered personal information, as it is information about an identifiable person (the sole trader). Therefore, the legislation requires the Ministry to obtain consent from sole traders to disclose the equity index number relating to the services they operate.

The information (i.e., your service's equity index number) we seek to release does not contain other personal

information and is calculated based on the children attending your service at a service level. The privacy of the children and families using services is protected, as data in the Integrated Data Infrastructure is governed by robust confidentiality rules and is de-identified.

The legislation also authorises the Ministry to publish the equity index number for each service, which the Ministry does for the school's equity index. While we intend to provide each service with their number once calculated, decisions have yet to be made on publishing equity index numbers. Should the Ministry decide to publish equity index numbers, we will seek your permission separately.

In the event you do not agree to the index being released or withdraw your consent in the future, the Ministry will develop a bespoke equity index number for your service. This number may not accurately reflect the current circumstances of the children attending your service, which may affect your service's entitlement to equity funding.

Your consent will remain valid for the duration of your licence to operate your early childhood service. Should there be a change in ownership of your service to someone who intends to operate as a sole trader, the Ministry will seek a separate consent from the new owner when they apply for their licence.

Note 5: Educator Home-based Service Qualifications

For educators, a home-based service qualification means any of the following qualifications:

- a. an early childhood education qualification that is—
 - i. at level 4 or above on the Qualifications Framework; or
 - ii. recognised by the Teaching Council of Aotearoa New Zealand for registration purposes:
- b. an early childhood education qualification at level 3 on the Qualifications Framework, completed prior to 1 June 2022:
- c. a qualification developed by Te Kōhanga Reo National Trust Board at level 5 or above on the Qualifications Framework:
- d. a primary teaching qualification that is—
 - i. listed in the Qualifications Framework; or
 - ii. recognised by the Teaching Council of Aotearoa New Zealand for registration purposes:
- e. an early childhood education qualification obtained overseas but recognised by NZQA as comparable to a qualification described in (a) and (b).

Educators who join your licensed home-based service must—

- a. hold a home-based service qualification; or
- b. within 6 months of joining the service, enrol in a course offering a home-based service qualification and complete the qualification—
 - i. within 4 years of enrolment, if the qualification is an early childhood teaching qualification at level 7 or above on the Qualifications Framework; or
 - ii. within 2 years of enrolment, for any other qualification.

<https://www.education.govt.nz/education-professionals/early-learning/people-and-employment/qualification-requirements-home-based-early-learning-services>