



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

# Summary of consultation feedback

Education (Early Childhood Services) Amendment Regulations 2026

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# Background

## The regulatory sector review of early childhood education

In June 2024, the Ministry for Regulation began a regulatory sector review of early childhood education (the Review). Over 2,285 submissions were received, including from parents, caregivers, whānau, teachers and ECE service providers.

The Ministry for Regulation released its ECE Regulatory Review Report in December 2024. It made 15 recommendations to modernise the ECE regulatory system, simplify and clarify the ECE regulatory requirements, and improve support for the ECE sector.

## Development of regulatory changes

The Review found that the current enforcement tools were limited, blunt and not proportionate. This was found to have created an overreliance on changing the status of a licence to enforce compliance.

To address these issues, Cabinet agreed that changes be made to:

- establish new graduated enforcement tools, to be used to enforce compliance with the regulations and licensing criteria,
- enable the Director of Regulation to issue a public notification of non-compliance, and
- raise the threshold for licence reclassification and suspension.

We undertook work throughout 2025 to develop regulatory changes that give effect to these changes.

Public consultation on a draft of amendment regulations was carried out from Monday 22 September to Sunday 19 October 2025. This report provides a summary of feedback we received from consultation.

After consultation closed, we analysed the submissions that we received and provided Ministers with advice on the final text for the amendment regulations.

The Education (Early Childhood Services) Amendment Regulations 2026 have been finalised and were passed on 7 April 2026. These regulatory changes will come into effect from 29 June 2026.

# Consultation summary

We carried out public consultation on a draft of the Education (Early Childhood Services) Amendment Regulations 2026 (the draft amendment regulations) from Monday 22 September to Sunday 19 October 2025.

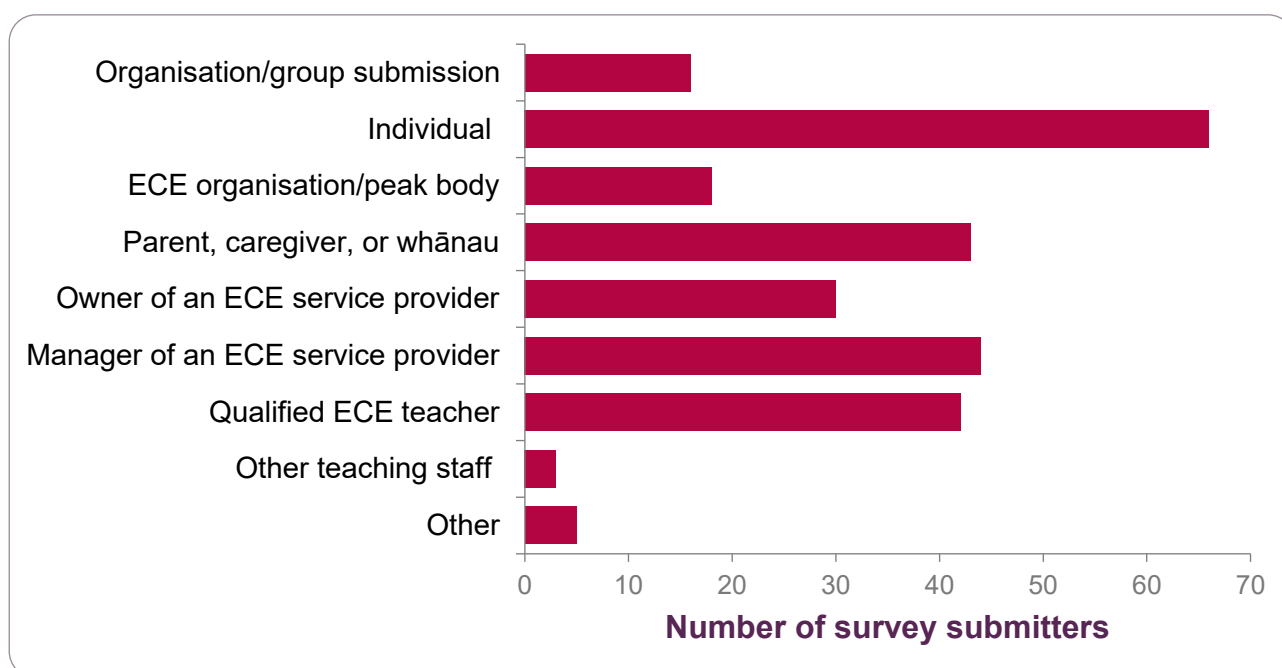
The draft amendment regulations and accompanying discussion document were published on the Ministry of Education website. We invited respondents to provide feedback via email or online survey.

Through consultation, we sought feedback on:

- whether the draft amendment regulations were clear and easy to understand,
- potential impacts they may have on different stakeholders, and
- implementation considerations.

During consultation, we received:

- **16 email submissions:** the majority of these submissions were provided by ECE representative groups and organisations.
- **319 online survey submissions:** the following graph provides a breakdown of survey submitters.



Graph 1: Summary of online survey submitter types (267 submitters answered this question)

# Feedback from email submissions

This section summarises feedback on the draft amendment regulations from email submissions. These submissions were largely received from ECE representative groups and organisations.

Feedback highlighted both opportunities and concerns. Overall, there was a strong focus on improving clarity and supporting fairness and proportionality. Many submissions also shared a range of feedback and suggestions on the practical impacts of implementation on ECE services, ECE staff, children, parents, caregivers and whānau.

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## Changes to provisional licensing (Regulations 15–17)

Feedback emphasised the importance of clear and transparent thresholds for provisional licensing, including clarity around terms such as “reasonable grounds” and what it means for the Director of Regulation to be “satisfied.”

Submitters highlighted the need for national consistency in how decisions are applied across services and the importance of procedural fairness.

Many noted that the accumulation of minor or administrative issues should not on its own result in provisional status, and that the severity and nature of breaches should be taken into account.

At the same time, some submissions pointed to the importance of retaining the ability for immediate reclassification where there is serious or imminent risk to children’s safety, health, or wellbeing.

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## Enforcement tools (Regulations 29A – 29E)

Submitters noted the value of having a broader range of enforcement tools to enable more proportionate and graduated regulatory responses, particularly as an alternative to changes of licence status.

Submitters also raised a number of implementation considerations. These included concerns about the potential costs and accessibility of specialist support, especially for smaller, rural, community-based or kaupapa Māori services.

As with changes to provisional licensing, feedback highlighted the need for clear definitions and thresholds for using enforcement tools, including how terms such as “reasonable period” and “warranted” would be applied in practice.

Many submitters emphasised the importance of checks and balances, sector guidance, templates, and staff training to support consistent and fair decision making.

Some also noted the risk of added administrative burden if the enforcement tools are not implemented appropriately and proportionately.

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## **Public notice of non-compliance (Regulation 29F)**

Feedback highlighted the expected benefits of public notification in supporting transparency and public confidence, particularly where issues are serious and relate to children's safety or wellbeing.

At the same time, a repeated concern across most submissions was the potential for reputational harm, especially if notification occurs before non-compliance has been confirmed. Feedback suggested this could have negative impacts on services, staff morale, and the willingness of parents, caregivers, whānau or staff to raise concerns.

Some submissions recommended mitigations such as establishing a clear public interest test, ensuring information is factual, balanced, and non-prejudicial, and providing services with opportunities to respond prior to publication.

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## **Changes to suspension of licences (Regulation 30)**

Many submissions focused on the importance of licence suspension being used carefully and proportionately, given the potential disruption for children, parents, caregivers, whānau and staff.

Feedback sought greater clarity about what types of non-compliance would meet the revised licence suspension threshold, and how this would differ from current settings.

Some submitters highlighted the importance of guidance and examples being provided to enable effective implementation.

Others highlighted the importance of ensuring licence suspension remains available where children's safety or wellbeing is at risk, and that this is not limited so narrowly that protections are reduced.

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## **Public notification of investigations (Regulation 59A)**

Submissions emphasised the need for procedural fairness to mitigate potential reputational risk. Many noted concerns about public communication occurring before investigations are completed, particularly where complaints may later be found to be unsubstantiated.

Feedback suggested that public notification about investigations should be guided by clear thresholds, be strictly factual, and avoid language that could be seen as prejudging outcomes.

Several submitters also stressed the importance of follow up communication once investigations are concluded. This would ensure the public has accurate and complete information and to maintain public trust in the regulatory system.

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# Feedback from survey submissions

This section summarises feedback on the draft amendment regulations from online survey submissions. We received feedback from a wide range of submitters, including ECE organisations, service managers, staff, teachers, parents, caregivers and whānau.

Feedback included suggested changes to improve the clarity and accessibility of information about the new regulatory regime and requirements.

Some noted that it is important to consider the potential for these changes to have disproportionate impacts on different service types. Many emphasised that the impact of these changes on the health and safety of everyone at an ECE service is a key priority.

Feedback also highlighted concerns around the potential for increased complexity and unclear expectations. Submitters made a range of suggestions to mitigate these potential issues.

## Overview of survey feedback by submitter type

**Parents, caregivers and whānau** felt some of the changes could improve transparency around compliance at their services and better prioritise child safety. They also raised concerns around the potential for delayed enforcement actions and the impact of unclear processes and standards.

**ECE service managers and owners** shared a range of considerations to address the potential for increased administrative and compliance burdens. They raised concerns around the impact of these changes on existing operational pressures (particularly workforce issues), as well as the importance of equitable impacts for different service types.

**ECE teachers** shared many of the same concerns as service managers and owners. They also noted concerns around the perceived lowering of standards (and the impact of this on the quality of education and care) and the potential for increased workloads. Some supported changes that could improve transparency, fairness and regulatory clarity.

**ECE organisations and peak bodies** shared a range of implementation considerations and called for training and support. They noted systemic issues that could result in disproportionate impacts on smaller, rural, community-based and kaupapa Māori services.

## Changes to provisional licensing (Regulations 15–17)

### ***Potential benefits***

Many submissions felt the proposed changes were fairer and would be less disruptive for services than immediate licence downgrades (as is current practice). Submitters noted this approach would allow centres time to address issues before facing penalties, and that this could reduce unnecessary licence changes and closures.

Some submitters felt that the risk-based approach of the graduated enforcement tools could better enable targeted oversight, allowing the Director of Regulation to focus on services with repeated or serious compliance issues.

Feedback indicated that these changes could prompt faster remediation of health and safety risks, encouraging providers to act promptly before issues escalate. Some submitters anticipated a positive impact on health and safety if timeframes were enforced.

Some submissions indicated that the tools could reduce administrative burden if there is clarity around the expectations and requirements as well as practical support for services.

### ***Risks and concerns***

Some concerns were raised about the potential for reduced quality of care and education. Some submitters felt that a focus on compliance or over-compliance could detract from education and care. These submitters often felt the current system and existing settings were sufficient to manage serious health and safety risks.

Strong concerns were shared that the proposed changes could delay enforcement action, which could potentially allow unsafe environments to persist. Proposed changes to regulation 15(1) would mean that the Director of Regulation could consider previous enforcement actions taken against a service provider in the previous 12-month period. Some submitters felt that this 12-month window is too lenient and there were some suggestions to reduce it to six months or less. Concerns were shared that the 12-month window could incentivise strategic delay in addressing issues, normalising non-compliance.

Concerns were raised that these changes might reduce clarity for both providers as well as parents, caregivers and whānau. To mitigate this, most submissions emphasised the need for smooth implementation and clear, accessible communications and guidance.

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## Enforcement tools (Regulations 29A – 29E)

### ***Potential benefits***

Many submitters felt that the tools could allow for proportionate responses that best fit the severity of non-compliance, and that this could reduce disruption to children and parents.

Some feedback noted that, with clearer consequences and monitoring, the enforcement tools could strengthen accountability and continuous improvement for providers with repeated or serious compliance issues.

Other benefits identified by submitters included:

- allowing centres to address minor issues without immediate licence downgrades
- enabling earlier intervention before risks escalate
- supporting better health and safety outcomes when applied consistently
- providing greater clarity at both regulatory and operational levels.

### ***Concerns around costs***

Concerns were also shared about the costs imposed on services to address non-compliance. Some submitters noted the risk of disproportionate financial burden for kaupapa Māori services, smaller services or those in rural areas unless explicitly accounted for. Others noted that costs resulting from enforcement actions could impact already struggling services, leading to further non-compliance or closure.

Overall, there were mixed views on this as some submitters felt that services should bear the costs of enforcement actions, and that public funds should support compliant services. A small number of submitters suggested the current regulatory settings were sufficient and preferable.

### ***Other risks and impacts***

Feedback noted other potential risks and impacts to services, including:

- administrative burden may increase due to documentation and compliance tracking
- inconsistency in enforcement decisions and lack of transparency in criteria
- need for realistic timeframes for services, especially in securing specialist help
- that compliance efforts divert attention from education and care
- transparency could be penalised as honest providers may accumulate more enforcement actions than those who conceal issues
- some services may operate below compliance thresholds until formally warned - this could increase risks to children and staff, particularly in under-resourced settings.

To address these potential issues, submitters recommended that clear criteria be developed for applying and monitoring the tools.

### ***Specific feedback on the different tools***

- *Record of non-compliance (Regulation 29A)*: Submissions raised queries about the potential for penalisation for resolved issues. Some submitters requested more clarity about how breaches will be recorded, for example whether multiple issues would count as one or several records.

- *Formal warning (Regulation 29B)*: Some concerns were raised about formal warnings delaying urgent action on health and safety hazards, and some submitters recommended immediate intervention be taken in these cases.
- *Written direction to remedy risk to health and safety (Regulation 29C)*: Feedback suggested that this tool could be effective in ensuring risks are addressed promptly, provided they are identified early.
- *Specialist help (Regulation 29D)*: Some submissions requested more clarity around the definition of “specialist help”, as well as how specialist advice and outcomes would be monitored and assessed.
- *Improvement plan (Regulation 29E)*: Some submitters recommended allowing some flexibility in enforcement timelines, especially where services make genuine efforts to secure help but face delays beyond their control.

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## Public notice of non-compliance (Regulation 29F)

Many submitters indicated their strong support for improving transparency for parents, caregivers and whānau. They emphasised the need for clear, accessible communication about non-compliance and enforcement actions. Feedback indicated that this change was a good way to achieve this, and could lift standards, increase accountability and motivate services to act earlier to address issues.

Many submitters made clear that parents, caregivers and whānau want to know more about safety and compliance issues, in order to make informed decisions about their child/ren’s care. Some submitters felt that discretionary notification was inadequate and would prefer consistent and proactive updates. Suggestions included online registers of licence status, summary statements and direct communication to parents, caregivers and whānau, rather than general notices. Some also recommended mandatory display of notices (as is required of licences).

The feedback also included some opposing views, with some submitters indicating their preference for internal communication instead (i.e. direct communication about non-compliance with services and parents, caregivers and whānau with children attending). Some concerns were shared that the provision for discretionary public notifications could result in inconsistent treatment of similar cases, with decisions influenced by subjective judgments rather than clear criteria.

We received significant feedback about the potential for reputational risks for staff and services, and how these may be managed and mitigated. Feedback noted concerns that there could be long-term and disproportionate damage to the reputations of services and staff, and that this could persist even after issues are resolved. Some submissions highlighted that notifications could cause panic or confusion among parents, caregivers and whānau. This could result in abrupt withdrawals of children from services.

Many submitters strongly recommended careful wording and a fair and transparent process to avoid unintended harm.

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## Changes to suspension of licences (Regulation 30)

Many submitters felt that this change appropriately prioritised health and safety and that this could support a fair and less disruptive approach. Some submitters found that this change was a sensible alternative to previous practices that had caused disruption for parents, caregivers and whānau.

However, some concerns were raised that this higher threshold could delay necessary suspensions or proactive intervention, until after harm occurs. Some noted that psychological risks and cumulative issues might be overlooked or may not trigger action until harm occurs.

Some submitters felt the current requirements were adequate and easier to apply.

As with changes to Regulation 15(1), some felt that this change could delay necessary intervention and unintentionally allow unsafe environments to persist.

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## Public notification of investigations (Regulation 59A)

The feedback we received about this change was similar to that for Regulation 29F. Many submitters noted this proposed regulation could have a range of benefits including:

- building trust with parents, caregivers and whānau
- encouraging accountability
- improving safety for children
- empowering parents, caregivers and whānau to make informed decisions
- motivating services to act appropriately and transparently.

At the same time, submitters shared significant concerns around reputational risks. Some submitters were concerned that issuing notifications before investigations are complete could cause reputational damage, unwarranted distress, loss of trust and abrupt withdrawals, even if allegations are unproven.

There was also some concern that the risk of unfounded complaints could be increased, and that this would have a direct impact on staff as well as parents, caregivers and whānau. Unmitigated, this could in turn reduce the willingness of staff, parents, caregivers and whānau to report concerns.

Feedback strongly emphasised the need to proactively mitigate these risks. Submitters were clear that implementation of this regulation should protect privacy, ensure fair processes are followed and avoid panic and unintentional harm. Submitters highlighted the importance of respectful, clear and factual communication.

# Summary of recommendations from consultation feedback

## Clear thresholds, definitions, and criteria

- Clearly define key terms (e.g., ‘reasonable grounds’, ‘satisfied’, ‘warranted’).
- Develop and specify clear thresholds for when regulatory actions can be taken, including how severity, risk, and accumulation of issues should be assessed.
- Clarify the circumstances under which immediate action would apply.
- Develop clear definitions and thresholds for non-compliance.
- Develop criteria-based tools to reduce reliance on personal judgment.

## Fairness and procedural safeguards

- Ensure implementation promotes fairness, transparency, and proportionality.
- Strengthen review and appeal mechanisms to provide checks and balances on regulatory decision-making.
- Ensure regulatory decisions prioritise children’s interests while balancing proportionality and fairness for services.
- Develop and specify clear pathways back to full licence status.
- Strengthen complaints processes by providing safe and accessible channels to protect staff and community members when raising concerns.
- Clarify what services need to do when enforcement action is taken, how their responses will be assessed and how they will contribute to licence reclassification.
- Ensure the timeliness of issuing and revising licences.

## Guidance, training, and consistency in implementation

- Develop comprehensive and standardised implementation guidance, including templates, examples, and case studies.
- Provide training and professional development for Ministry staff to support consistent interpretation and application of the regulations nationwide.
- Provide webinars and Ministry-led Q&A sessions to aid understanding.
- Provide guidance tailored to different audiences (e.g. kaiako, governance teams, whānau) and diverse service types.
- Establish internal protocols to support fair use of discretionary powers.

## Cost, resourcing, and impacts on services

- Consider how to address potential issues with the cost of specialist support, improvement plans, and compliance requirements.

- Consider how to provide targeted support for smaller, rural, community-based and kaupapa Māori services.
- Ensure enforcement does not inadvertently increase administrative burden or inequity.
- Provide workforce support to avoid worsening stress and retention issues.
- Provide sector-wide professional learning and training.
- Strengthen sector engagement, including in-person and on-site engagement.

## **Proportionate and risk-based use of enforcement tools**

- Apply enforcement tools in a graduated and proportionate manner, with escalation based on risk and severity rather than administrative accumulation alone.
- Consider how to avoid creating delays or enforcement approaches that could undermine child safety outcomes.
- Ensure that health and safety assessments include premises and governance structures, not just frontline staff or operations.
- Implement tight timeframes for serious non-compliance.

## **Public notification safeguards**

- Ensure notifications are factual, non-prejudicial, and proportionate to the issue.
- Consider how to provide services with prior opportunity to respond.
- Include follow-up communication once investigations or enforcement processes are concluded.
- Complete investigations before making information public wherever possible.
- Protect against reputational harm arising from unsubstantiated complaints.
- Clarify notification processes and protocols, including what “public interest” means, how notices will be issued, and how parents, caregivers and whānau will access them.

## **Monitoring, reporting, and accountability**

- Consider annual or routine reporting on enforcement actions and outcomes to support sector confidence.
- Develop new monitoring and enforcement protocols to ensure consistent application and support effective decision-making.
- Undertake periodic review of implementation.
- Consider how to improve transparency around revised provisional licences.
- Strengthen monitoring frequency and approach with more regular and unannounced visits.
- Update IT systems and processes to enable monitoring and follow up on a broader range of enforcement actions over rolling 12-month periods.
- Use feedback loops to refine guidance and address emerging inconsistencies.



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