



Starting an early childhood service

Laws and regulations

About this factsheet

This factsheet outlines the laws, regulations and criteria that govern early childhood services operation, with links to more online information.

It has details about the Education and Training Act 2020, regulations and criteria for licensed and certified services and links to other New Zealand legislation that early childhood services must follow.

This is a guide only and has details of legislation that we think is most relevant to starting and running an early childhood service. It is not an exhaustive list of all New Zealand legislation.

Legislation, regulations and licensing criteria

Figure 1 The Education and Training Act 2020, regulations and criteria.

First tier	Education and Training Act 2020				
	<ul style="list-style-type: none"> • Defines different ECE service types • Allows regulations and criteria to be developed • Enables the Minister of Education to legislate (by NZ Gazette) 				
Second tier	ECE regulations				
	Licensed services <ul style="list-style-type: none"> • Licensing process • Structural requirements like ratios, qualifications, maximum numbers • Miscellaneous provisions • Standards 			Certified playgroups <ul style="list-style-type: none"> • Certification process • Miscellaneous • Standards 	
Third tier	Licensing criteria				Certification criteria
	Te Kōhanga Reo	Centre-based services Kindergarten Playcentre Education and care Puna reo Reo rua education and care Leo o fanau moana immersion Leo o fanau moana bilingual	Home-based services	Hospital-based services	Certified playgroups
Guidance (not part of legislation)					
	Te Kōhanga Reo	Centre-based services	Home-based services	Hospital-based services	Certified playgroups
	Operational and kaupapa guidance provided by Te Kōhanga Reo National Trust Board	Provided by Ministry of Education How to show you are complying Tools to help you comply Best practice Going beyond compliance			

The Education and Training Act 2020

The Education and Training Act 2020 applies to all early childhood services in New Zealand.

[Education and Training Act 2020 – New Zealand Legislation](#)

Regulations

Early childhood education services regulations are part of the Education and Training Act 2020.

[Education \(Early Childhood Services\) Regulations 2008 – New Zealand Legislation](#)

[Education \(Playgroups\) Regulations 2008 – New Zealand Legislation](#)

Licensing and certification criteria

Criteria are used to assess compliance with the minimum standards set by the regulations.

[Licensing criteria](#)

Each type of early childhood service has different criteria.

- [Licensing criteria for centre-based education and care services](#)
- [Licensing criteria for home-based education and care services](#)
- [Licensing criteria for hospital-based education and care services](#)
- [Licensing criteria for kōhanga reo affiliated with Te Kōhanga Reo National Trust](#)
- [Certification criteria for playgroups](#).

Early Learning Curriculum Framework – Te Whāriki

Te Whāriki provides the basis and context for the curriculum regulatory requirements in the regulations for all early learning services. The curriculum framework is set by the Minister of Education. The current framework was published in the New Zealand Gazette on 21 April 2023.

More information on Te Whāriki is available on our curriculum website Tāhūrangi.

[Mātauranga \(He Anga Marau Kōhungahunga\) Pānui 2023 | Education \(Early Learning Curriculum Framework\) Notice 2023 – Gazette](#)

[Tāhūrangi – Te Whāriki Online](#)

Child protection policies for early learning services

All early learning services, and any person or organisation we contract to provide children's services, must have a child protection policy.

This is a requirement of the Children's Act 2014.

[Part 2 of the Children's Act – New Zealand Legislation](#)

A child protection policy outlines how your service will:

- work to keep children safe from abuse and neglect
- identify, report, and respond to concerns of child abuse and neglect.

Your policy must be reviewed at least every three years.

Find out more about child protection policies for each service type:

- [HS125 Child protection policies for centre-based services](#)
- [HS222 Child protection for home-based services](#)
- [HS312 Child protection for hospital-based services](#)
- [HS31 Child protection for kōhanga reo](#)
- [HS11 Child protection for playgroups.](#)

Our child protection policy

See the Ministry of Education’s child protection policy.

[Child Protection Policy for the Ministry of Education](#)

Relevant legislation

This table contains links to relevant legislation and links to related content on the Ministry of Education’s website.

Relevant Act(s) and regulations	MoE website ref
The Education and Training Act 2020 - New Zealand Legislation	Laws and regulations for early learning services
Child protection	
Children’s Act 2014, Part 2 Child protection policies – New Zealand Legislation	Child protection policies for early learning services
Children’s worker safety checking	
Children’s Act 2014, Part 3 Children’s worker safety checking – New Zealand Legislation	Safety checking for child protection in early learning
Police vetting for non-children’s workers	
Education and Training Act 2020, Schedule 4 – New Zealand Legislation	Police vetting for early learning services
Oaths and Declarations Act 1957 – New Zealand Legislation	Police vets for overseas children's workers
Education and Training Act 2020, Schedule 4 – New Zealand Legislation	Risk assessments after a Police vet for early learning services
Privacy/information sharing	
Sharing information to protect the wellbeing and safety of children and young people – Office of the Privacy Commissioner	Information sharing about vulnerable children
Information Sharing Guidance – Ministry of Justice	

Relevant Act(s) and regulations	MoE website ref
Information sharing: Oranga Tamariki Act 1989 - Oranga Tamariki Family Violence Act 2018 – New Zealand Legislation	
Information sharing guidance – Ministry of Justice	Information to protect from family violence
Privacy Act 2020 – New Zealand Legislation	GMA109 Enrolment and attendance records - Ministry of Education
Data and Statistics Act 2022 – New Zealand Legislation	Sole Trader declaration on EC1 application form - Equity index number for non-public organisations.
Transport	
Land Transport Act 1998 – New Zealand Legislation Land transport rules – NZ Transport Agency Waka Kotahi	Your health and safety responsibilities for transport
Child restraints – NZ Transport Agency Waka Kotahi	Child car restraint
Health and safety	
Disability Convention – Whaikaha Ministry of Disabled People Rights of Disabled People – Human Rights Commission	Reasonable accommodation when giving medicine
Health and Safety at Work Act 2015 – New Zealand Legislation Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 – New Zealand Legislation	Making and maintaining an emergency management plan
New Zealand pandemic plan – Ministry of Health NZ	Pandemic plan
Evacuation Schemes – Fire and Emergency New Zealand	Health report and fire service approval HS104 Fire evacuation scheme
Building/premises	
Relevant bylaws of the local authority: Council maps and websites Building Act 2004: Issue of code compliance	PF102 Building Act compliance

Relevant Act(s) and regulations	MoE website ref
certificate – New Zealand Legislation	
Resource Management Act 1991 – New Zealand Legislation	Resource management consent
NZS5828:2015 – Standards New Zealand	Standard for playground equipment and surfacing PF104 Safe and suitable items, surfaces, furniture, materials and equipment - Ministry of Education
Teaching qualifications	
Approved ITE programmes leading to teacher registration International qualifications assessment – NZQA	What teaching qualifications are recognised
Food safety	
Food Act 2014 – New Zealand Legislation Food Regulations 2015 – New Zealand Legislation	Food safety at early learning services PF115 Kitchen facilities – Ministry of Education
Employment	
Employment Relations Act 2000 – New Zealand Legislation	GMA105 Human resource management - Ministry of Education