



## Discussion Paper 3

# The Early Years Ministry

Established by a proposed Early Years Quality of Life, Care, and Education Act

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Discussion paper version 3.1, 12 June 2023

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## Executive summary

### *A new time-of-life based ministry*

This discussion paper proposes a new Ministry, that for children in early education and non-parental care, would replace the functions of the Ministry of Education, Ministry of Health, and the Education Review Office.

It proposes a fully integrated, time-of-life based Ministry, that has as its primary function, the protection and promotion of good quality of life for children in their early years, consistent with *The United Nations Convention on the Rights of the Child*. This proposal should be read together with *ECE Reform Discussion Paper 1*, which proposes a quality-based contracting system to replace the current licensing system for early care and education.

### *Removing the health and education silos*

Bringing early education and care under the jurisdiction of the Ministry of Education was a very good idea in principle, and was designed to ensure that all children had access to early education. In practice however, it has resulted in a failure of care. The failure of care results from the inherent, and possibly unavoidable, siloed behaviour of the Ministries of Health and Education. Early education and care is a context that, perhaps more than any other in government, requires completely coordinated and integrated functions and expertise across health and education. It also requires coordination with other Ministries such as Oranga Tamariki, and WINZ, and coordination with local government.

### *An Act of Parliament based on early years quality of life*

This discussion paper proposes an Act of Parliament that has as its first priority, the protection and promotion of good quality of life for children in their early years. It is based on the premise that quality of life matters at every stage of life, and that children have a right to enjoyable, healthy, living environments when in non-parental care. It is also based on the premise that a loving, caring environment is foundational to early learning, and that early education by qualified teachers, or ECE trained parents, is a valuable investment for children's futures.

### *Coordinated community action for damaged or deprived communities*

This proposal also lays a foundation for fully coordinated local programmes to assist damaged or deprived communities, using central and local government, and NGO capabilities.

***This proposal honours and supports children, parents, and the early childhood teaching profession.***

# 1 The Early Years Quality of Life, Care, and Education Act

The first years of life are foundational to human development, and for some time we have recognised the importance of the ‘first 1,000 days’. We know that what happens in our early years has a huge effect on later quality of life, but our early years are important in their own right, not only for the future. Because of the way that children experience time, we could say the time-experience of the first five to seven years may be equivalent to a decade or two of midlife. Compared with adults’ perception, children’s days are very long days. The fact that many people cannot remember these years does not negate the living experience. Children are not latent people, they *are* people; they are citizens now, and they deserve quality of life now. This quality of life cannot be self-determined by children – they are dependent on, and very vulnerable to, the decisions of the adult community. As a society, we have a collective responsibility to ensure quality of life for babies, for toddlers, for all children, during these years.

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*Quality of life matters as much or more at three months or three years old, as at 33 or 93.*

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## A time-of-life-based approach

This paper proposes a new approach to the care of children in their early years. The proposed Act of Parliament has a focus first on quality of life as the most important consideration of all for children, both during their early years, and for the effect of initial good quality of early life on future life. It places care at the centre of the way we treat children, and it values early childhood education.

The paper proposes an approach to government responsibility for children that is time-of-life-based, rather than dividing life, for example, into health or education or parenting.

## Principles

1. Experiential quality of life is the most important consideration in the early years – more than education, preparation for school or any other future consideration.
2. Happy, healthy childhoods are the best platform for learning and development.
3. Families are central to a child’s relationships, healthy development and quality of life.
4. The experience of the early years, including emotional and physical development and learning, strongly influence the trajectory of later years, and are worthy of holistic investment.
5. Loving relationships and care are the most important elements of quality of life in the early years.
6. Children have tremendous learning ability, and a drive to learn in their early years, through play and experiences, and benefit from trained early childhood teachers.

7. Any non-parental care and education should be delivered by teachers trained in both pedagogy and pediatric development.

## 2 What constitutes good quality of life in the early years?

Much of the focus on ECE and care policy has focused on benefits for the future, but what does quality of life look like in the moment, for a baby, a toddler, a four year old? During these years children are not thinking about how well they will do at school, or their future contribution to society. At a child's time scale, dinner time is a long way away when you get up in the morning. The end of the day is the future.

*The things that matter most have to do the things that meet your needs in the moment. You will be aware of some needs, and unaware of others.*

- Do you need touch, a cuddle, or to sit on a lap?
- Are you hungry, thirsty, tired? Do you need to *run*?
- Do you need someone to listen to you?
- If you don't have security and consistency of relationships, you are likely to be anxious.
- If you cry and no one has time for you, that will add to anxiety.
- If you are sick, a miserable day will feel much longer than for an adult, and you won't have the coping mechanisms to just 'tough it out'.
- If you have a poor diet it may affect your mood, or other longer term aspects of your health.
- Other things such as air pollution may affect your breathing (as well as having long term consequences).
- Noise may be distressing, and make it hard for you to understand what is said to you, or for others to understand what you say.
- If you are more introvert than extrovert, you will have a need for quieter, personal space.

These things are physical, intellectual, emotional and social *needs*, but if we want the best for our children, we will go beyond basic needs to the things that bring a really good quality of life. This will include connection with natural environments, new things to explore and try out, and challenges as

you try to find out, “How fast can I run?” “Can I climb onto that?” “Can we dig a deep hole or build a tower?”

As expressed in the early childhood education curriculum guidelines *Te Whāriki*, the ability to feel that you belong, that you can make a contribution and be part of what is going on, to be part of a family, and to be recognised and valued as a person, will be very important. “Can I help make lunch?”, “Can I comfort the baby?”

Sadly the environments of many of our full day child care centres, in which children may spend as many as 55 hours a week, bear little resemblance to an environment conducive to good quality of life for a child. Under the guise of ‘early learning’, many are hard, noisy, overcrowded, classroom-like environments, inadequately staffed. Many have ridiculously small outdoor areas, lacking any significant natural environment. Opportunities for exploration and challenge may be very limited, and effectively exhausted long before children reach five years old. They may be located in places that make excursions to any other environments very difficult, and which will subject children to noise and air pollution.

Full day childcare can have the effect of institutional isolation from society, limiting children's exposure to the sights, sounds and experiences of normal life. It also has the effect of limiting vocabulary. Four year olds in a large institutional group, supervised by teachers with little opportunity to engage in adult conversation, are largely limited to the vocabulary of their peers.

The limitations of an institutional environment without excursions can be offset by family time and accompanying parents in other activities of life, such as travel or shopping. Unfortunately, for many children the dominance of the child care environment during their waking hours will leave only weekends for a home environment, and the wider experiences of life. We need to ask the difficult question, “How much time away from parents and family is conducive to good quality of life for a baby or young child?”. While there is clearly a need for child care provision for working parents, the work-life balance that affects both children and parents, may be better served by supporting parents to spend more time with their children, while ensuring that sessional ECE or shorter session child care (e.g. six hours rather than ten) is available. Should there be greater support for and incentives to use Playcentre and sessional ECE? Longer hours may be better value for money in childcare if you are operating a childcare business or Kindergarten, but are they good for children's quality of life?

### 3 Background: the loss of care in early care and education

#### Historical context – bringing child care under the Ministry of Education

In 1986 childcare was brought under the jurisdiction of the Ministry of Education, moving from the Children and Young Persons Act 1974 to the Education Act 1989. The original intention behind this move made very good sense. At that time, the number of children in full day childcare was increasing due to societal changes, but children in day care could not access early childhood education such as was provided by Kindergartens or Playcentres, or by the developing Kohanga Reo movement. In bringing childcare under the Ministry of Education, all children could now receive early childhood education if they were enrolled in a licensed service. However, it is very important to understand that there was no intent to call childcare ‘early childhood education’. The intent was to put early childhood education into childcare as an essential component.

### A 3½ decade trial of a system

We have had three and a half decades to see the effect of this system, under various governments and changes of leadership. While it began well – seeing the adoption of *Te Whāriki* in the mid-1990s, and the employment of trained teachers in all licensed centre-based services, there were unintended negative consequences. With the move to focus on education and pedagogy, and rightly improve the recognition of early childhood teachers, the basic emotional and physical care of children was no longer given *priority*. The result was that while requirements for trained teachers and qualifications improved, physical standards such as space per child, environmental temperatures, and hygiene facilities received little attention, and aspects vital to child well-being, such as teacher:child ratios and group size did not improve. To begin with, for most children, these deficits in the system had little effect, as many services operated at better than minimum requirements. Unfortunately, the mid-1990s saw the beginning of the corporatisation of childcare, focused not on quality of care, but on profit, based on economy of scale and operation at minimum standards. The licensing system was developed at a time when providers were often associated with a workplace, or established by people with an interest in children. With the increase in commercialisation, it proved to be badly affected by perverse incentives when applied in a commercial childcare ‘market’.

### The gap between child health and education

Another unintended consequence affecting care, was that neither the Ministry of Education, nor the Ministry of Health, saw themselves as responsible for the care of children and promotion of physical and emotional well-being. The disconnection between these two departments is perhaps exemplified by a statement in 2001 from the then CEO of the government agency Early Childhood Development:

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*“You do health, we do education, I really don't see the connection”.*

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At no time in the past three decades have either the Ministry of Education or the Ministry of Health had a single full-time permanent national position for the health and well-being of children in early education and care. In 2002 Te Tari Puna Ora o Aotearoa (the New Zealand Child Care Association), the Early Childhood Council, and the National Te Kohanga Reo Trust, made a joint approach to the Ministry of Health proposing the establishment of a national health and well-being programme for ECE and care. The proposal was supported by the Chief Advisor on Child Health Strategy. The reply received from the Chief Advisor a couple of weeks later was, “I'm sorry, I can't find anyone else interested”. Despite the existence of a suitable well-trialed regional programme (Wellington), no national programme was ever developed. In 2019 a six-author, ten-topic, 80-page, fully referenced submission was provided to the Ministry of Education, expressing serious concerns about the health and well-being of children and teachers in ECE and care. It was also given to the Ministry of Health with an offer of a presentation. The presentation offer was declined, and no further action taken to the knowledge of the authors. The Ministry of Education did not engage with any of the authors of the report.

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*These failures of government care and provision cannot be ascribed to one political party, or a particular era of leadership. They are a product of the siloed operation of government departments.*

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## 5 Local Government – where do we put the children?

Another aspect of governance that has worked against the interests of children, is the Local Government treatment of education and care centres as businesses rather than daytime residences. When combined with perceptions of early childhood centres as noisy, this approach has forced our youngest citizens to live in commercial and industrial zones, rather than in residential zones.

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*Children have been discriminated against in residential zoning in a way that would be considered completely unacceptable for any other sector of society.*

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It would be reasonable to describe this as more akin to child storage than anything resembling quality early childhood education.

By placing children in these locations, we increase their risk of exposure to traffic emissions and particulates, to which very young children are much more vulnerable than adults, with potential short-term and long-term effects. This is because of respiration rates in relation to body size, and immature defense systems against harmful substances. Children are not only at elevated risk from traffic emissions, but from other substances generated by commercial and industrial activity.

Unfortunately, there are two perverse incentives for profit-based child care to use such locations, accommodated and encouraged by this application of the RMA. Commercial and industrial land is often cheaper to buy than residential land, reducing capital cost and avoiding notification and consultation costs under the RMA. Having a frontage on a busy commuter route or busy intersection provides free advertising, as parents will notice the location as convenient, and make it a first choice to consider for their child's care.

The result has been a burgeoning of minimum standard, profit-based childcare in locations adverse to children's health and well-being, with no green spaces or access to community facilities.

The Ministry established by the proposed legislation would be tasked with reversing this trend. It would engage actively with research into the best locations for children, working with Local Authorities, schools and businesses to secure land that will not only be acceptable for, but beneficial for, young children.

## 6 The establishment of a fully integrated Early Years Ministry

Recognising that siloed functioning is inherent in the design of these government agencies, and in the employment of their staff, the Early Years Ministry is designed from the start to be responsible for effective cross-government, cross-sector action. The Early Years Ministry is specifically designed as a solution to the siloing of health and education in relation to ECE and care. This approach strongly mirrors both *Te Whāriki*, and the principles and practices set out in the founding Health Promotion document, the *Ottawa Charter for Health Promotion*.

The Early Years Ministry could not take on all functions of Government that impact on young children, but would be directly responsible for some functions, and act as a coordinating and quality assurance body for other matters. It would be directly responsible for a major component of young children's lives that can seriously affect their quality of life, that is, non-parental care and education. It would replace the Ministry of Education for this function. It would also engage with local government to ensure for example, that implementation of the Resource Management Act serves, and does not disadvantage, children. It would engage with other agencies in community-based action for children, for example, in child-friendly social housing developments, or in situations where poverty or detrimental activities such as drug use, are impacting adversely on children.

### Early Years Ministry primary responsibilities

1. The health and wellbeing of children while in non-parental care.
2. Early childhood education.
3. The implementation of the Quality-based Contracting system and associated quality monitoring and assessment.
4. Collaboration for research and development for best practice in ECE and care (including indoor and outdoor design, nutrition, emotional security, educational practice).
5. Administration of research funding tagged to quality of facilities, practices and teacher training for ECE and care.
6. Active collaboration with teacher training institutions, NZQA, and a profession body for early care and education to replace the Teaching Council, to ensure that teacher qualifications are adequate and fit for purpose, and to develop appropriate ancillary qualifications, for example, for ECCE service management.
7. Active collaboration with other government agencies, including the Ministries of Health and Education, Oranga Tamariki, WINZ and Housing New Zealand.
8. Active collaboration with the Ministry of Education and Local Government to assist the securing of land suitable for high-quality services (e.g. from school or park spaces), and to prevent inappropriate use of the Resource Management Act against the interests of children.

9. Active collaboration with the Ministry of Education to integrate transition to school, and to ensure monitoring children leaving the ECE and care system, to inform quality of ECE and care.
10. Development and management of community projects in areas of high need, deprivation or social dysfunction, facilitating and coordinating the relationships between government and community agencies to improve quality of life for children.

The Ministry would be required by Act of Parliament to maintain staff competency to cover all areas of responsibility, including early childhood education, health, pediatrics, building science and design for ECE environments, and outdoor environmental design.

For ECE and care, the Early Years Ministry would take over the functions of:

- The Ministry of Education
- The Ministry of Health
- The Education Review Office

and would work with NZQA and a professional body (see Section 9) to ensure necessary content and balance in teacher qualifications.

## 7 Early Years Ministry structure

This proposal is integral to, and should be read together with, the first discussion paper from ECE Reform, *Discussion paper 1: Quality-based Contracting (QBC) for ECE and care*. If QBC was operated by the Ministry of Education, it would require a new purpose-built arm of the Ministry of Education, designed to run the QBC system, as the current structures are insufficiently specialised and equipped for the task. However, to do this would still leave the problem of siloed government structures. Given the history of the past three and a half decades, it is most unlikely that the Ministry of Education would ever achieve a move to promotion of the holistic quality of life and care of children, including aspects that are not specifically education, rather than a focus primarily on early learning.

Figure 1 shows the proposed structure for the new department in relation to the QBC model. This model can also be seen in Discussion Paper 1, but it was helpful to duplicate it here, as it is core to the new departmental structure.

In addition to this core function, the Ministry would have an inter-agency function, linking the Ministries of Education and Health, the Children's Ministry and WINZ, and local government, and would also engage actively with agencies for teacher training.

One important principle of this proposal is that a Ministry should not only have powers to *enable* action, but should also have clear responsibilities for delivery, some of which should be built into its governing legislation. This can be seen in the combination of power to choose the best providers with which to contract, and the *requirement* to contract with the best providers where a choice exists. There is both the power and the requirement to not contract with providers or services that place children at unreasonable risk. In practice this helps to relieve the Ministry from coercion, for

example from a business objecting to loss of contract, because the Ministry would be bound by legislation to act first of all in the interests of children. Collaboration for the benefit of children is also a core principle. In the QBC model the teaching workforce are viewed as colleagues of the Ministry, while other community agencies are viewed as potential partners with the Ministry.

Figure 1: Early Years Ministry structure for Early Care and Education under QBC



Figure 2: Wider departmental structure



## 8 Community-based projects

There are a number of communities in New Zealand that are struggling because of a range of issues, including poverty, substance abuse or in some instances gang activity. The author has recently worked with a primary school in one small town that has gang activity. Teachers in the junior school described children at seven or eight years old, at the developmental level of a four year old, children coming to school in nappies, and children who didn't know how to play.

This profound level of damage to children is a community wide issue, not able to be solved by a single school, ECE service or Kohanga Reo. It takes a community wide approach, potentially involving several government agencies, local government, education services, churches and other community groups, NGOs such as Rotary or Lions, and possibly even the gang members themselves. It means bringing the whole community together to rebuild healthy lives.

The government agency proposed in this legislation would be structured and equipped to promote community coordination. We already have local models for this, such as Healthy Families Waitakare. We need this kind of approach for all of New Zealand, prioritising the most needy communities.

## 9 Professional body to replace the teaching Council for early care and education

In the previous version of this discussion document, there was a proposal to incorporate the functions of the Teaching Council for early childhood teachers into the Early Years Ministry. This proposal has been removed, as it seems more appropriate that there should be an independent professional body for Early Childhood Care and Education, with a teacher registration function, following the model normal in other professional associations.

The relationship between this professional body, the Ministry, and NZQA would see a joint responsibility for the establishment of core training curricula both for teachers and for centre managers, developed primarily by the professional body, and requiring approval of both the professional body and the Ministry. At a legislated level, there would be a requirement for all early care and education qualifications approved by the Ministry and the professional body, to maintain an appropriate balance of pedagogical and paediatric content. Content should reflect the knowledge required for full day nonparental care of children, combined with early childhood education theory and practice, and comprehensively cover physical, mental, and emotional development in the early years. Accreditation of teacher training would remain the responsibility of NZQA.

## 10 Summary

Taken together with the proposed 2 teacher: 8 child home-based care proposal, and the Quality-based Contracting proposal, the Early Years Ministry has the potential to reverse the current demise of the early education sector. It has the potential to bring about improvements in the quality of life for young children across society, that will flow through to primary school years, adolescence, and adult life.

The proposal also protects and values the early childhood teacher workforce, by way of the Quality-based Contracting system.

## 11 Q & A

1. *Isn't this a reversal of the progress we made bringing early education under the Ministry of Education?*

Bringing early education under the Ministry of Education was logical in principle. In practice however, it has divided education and health, pedagogy and paediatrics, environments and learning. This proposal is for a new, purpose-built Ministry, that has early education as a core function, but also includes all of the other aspects of children's development in their early years. It is not a return to any previous system.

2. *If teachers are not under the Ministry of Education, will they be disrespected and treated as 'childminders'.*

It can be argued that the early childhood teaching profession currently has little support or respect from either the Ministry of Education or the Teaching Council, in a system that favours (often unqualified) ECE sector owners and management over qualified teachers and professional considerations. Teachers are not the employees of the Ministry of Education, and have no protection from the Ministry of Education in relation to employment or working conditions.

In the Early Years Ministry, (and under the quality-based contracting (QBC) system, while not directly employed by the Ministry, teachers will be regarded as the colleagues and primary professional associates of the Ministry. This is comparable to the way in which the medical profession may be regarded as associates of the Ministry of Health, even though they are not employed directly by the Ministry. They will be the group most responsible for reporting conditions in the sector. Reasonable working conditions for the teaching workforce will be an important consideration in the contracting process.

3. *Will this result in a distancing of early childhood teachers from the rest of the teaching profession?*

The Early Years Ministry is designed as a cross-government agency, with clear responsibility to actively engage with the Ministry of Education. This would include active coordination and communication with Primary School teachers in particular, and should result in better collegiality and information sharing than is currently the case. The position of early childhood teachers under the Early Years Ministry does not in any way denigrate ECE teachers, but recognises that they need added levels of support and protection as a profession, as well as substantial skills in, and support for children's physical and emotional care.