

J HOSPITAL-BASED EDUCATION AND CARE SERVICES

J1 CHANGES TO THE EDUCATION ACT 1989

J1.1 OVERVIEW/INTERPRETATION

SOURCE: s309 and s316 Education Act 1989

Section 309 - Interpretation

hospital-based education and care service means the provision of education or care to 3 or more children under the age of 6 who are also receiving hospital care within the meaning of section 4(1) of the Health and Disability Services (Safety) Act 2001

licensed hospital-based education and care service means a hospital-based education and care service in respect of which the service provider holds a current licence issued under regulations made under section 317

service provider means ... the following:

(c) in relation to a hospital-based education and care service, the body, agency, or person who or that provides that education or care:

Section 316 - Certain service providers may be licensed

A service provider for a home-based education and care service or a hospital-based education and care service may, but need not, apply for a licence under regulations made under section 317 in respect of the home-based education and care service or hospital-based education and care service provided by the service provider.

Administrative requirements – refer to section 313 Education Act 1989 – **H1.2** of Handbook

Curriculum framework – refer to section 314 Education Act 1989 – **H1.3** and **H2** of Handbook

Parent’s right of entry – refer to section 319A Education Act 1989 - **H1.4** of Handbook.

Police vetting of employees – refer to sections 319D to 319F Education Act 1989 – **H1.5** of Handbook

No corporal punishment in early childhood services and **no seclusion** at or on behalf of early childhood services – refer **H1.6** of Handbook

Vulnerable Children Act 2014 – refer **H4** of Handbook

Food safety for ECE services – refer **H5** of Handbook

J2 LICENSING CRITERIA

J2.1 LICENSING CRITERIA FOR HOSPITAL-BASED EDUCATION AND CARE SERVICES

SOURCE: Licensing Criteria for Hospital-based Education and Care Services 2008 [Ministry of Education publication]¹

PURSUANT to regulation 41 of the Education (Early Childhood Services) Regulations 2008, the Minister of Education prescribes the following criteria.

- 1 **Title and commencement** – these criteria may be cited as the Licensing Criteria for Hospital-based Education and Care Services 2008.

These criteria came into force on 1 December 2008. Since then, there have been 5 sets of amendments. These took place on 28 August 2009, 21 July 2011, 21 May 2015, 26 February 2016 and 27 May 2016

- 2 **Application** – these criteria apply to all Hospital-based Education and Care services licensed under the Education (Early Childhood Services) Regulations 2008.

- 3 **Explanatory information** – in these criteria:

- (a) a copy of the minimum standard in each regulation is set out, followed by the criteria against which compliance will be assessed; and
- (b) any specific documentation requirements to demonstrate compliance with a criterion are set out below the relevant criterion.

- 4 **Interpretation** – for the purpose of these criteria, unless the context indicates otherwise:

- (a) **adults providing education and care** means hospital play specialists kaiako, teachers, supervisors, parent helpers, kaiawhina, fa’iaoga, or other adults who have a designated role of providing education and care to children at a service and are included in required adult:child ratios;
- (b) **assessment** means the process of noticing children’s learning, recognising its significance, and responding in ways that foster further learning. It includes documenting some, but not necessarily all, of what and how children are learning in order to inform teaching, and make learning visible;
- (c) **culture** means the understandings, patterns of behaviour, practices, and values shared by a group of people;
- (d) **ECE** means early childhood education;
- (e) **excursion** means –

¹ [Licensing Criteria: Hospital-based Education and Care Services 2008](#)

- i. being outside the hospital whilst receiving education and care from the service; but
 - ii. does not include an outing for the purposes of emergency evacuations, drills or the receipt of urgent medical attention;
- (f) **parent** means –
- i. the person (or people) responsible for having the role of providing day to day care for the child; and
 - ii. may include a biological or adoptive parent, step parent, partner of a parent of a child, legal guardian or member of the child’s family, whānau or other culturally recognised family group.
- (g) **philosophy** means a statement that –
- i. outlines the fundamental beliefs, values and ideals that are important to the people involved in the service – management, adults providing education and care, parents, families/whānau, and perhaps the wider community; and
 - ii. identifies what is special about the service; and
 - iii. is intended to be the basis for decisions about the way the service is managed and about its direction in the future;
- (h) **policy** means a statement intended to influence and determine decisions, actions, and other matters;
- (i) **premises** means the parts of the hospital where children participating in the service receive early childhood education and care;
- (j) **procedure** means a particular and established way of doing something;
- (k) **process** means a goal-directed, interrelated series of actions, events, procedures, or steps;
- (l) **records** means information or data on a particular subject collected and preserved;
- (m) **regulation** means a regulation under the Education (Early Childhood Services) Regulations 2008;
- (n) **required adult:child ratio** means the adult:child ratio with which the service provider is required to comply under regulation 44(1)(b) or any direction by the Secretary under regulation 54(2);
- (o) **service** means a hospital-based education and care service;
- (p) **service curriculum** means all of the experiences, interactions, activities and events – both direct and indirect, planned and spontaneous – that

happen at the service. Teaching practices including planning, assessment, and evaluation form part of the service curriculum; and

- (q) *service provider* means the body, agency, or person who or that operates the hospital-based education and care service.

5 Purpose of criteria

- (1) The criteria are to be used by the Secretary of Education to assess compliance with the minimum standards set out under regulations 43 and 45 to 47 of the Education (Early Childhood Services) Regulations 2008.
- (2) Regulations 43 and 45 to 47 impose minimum standards that each licensed service provider is required to comply with and are set out in these criteria so that readers can see how the regulations and criteria fit together.

CURRICULUM

Regulation 43 – Curriculum standard: general

- (1) The curriculum standard: general is the standard that requires every licensed service provider to whom this regulation applies to—
- (a) Plan, implement, and evaluate a curriculum that is designed to enhance children’s learning and development through the provision of learning experiences and that is consistent with any curriculum framework prescribed by the Minister that applies to the service; and that—
- (i) Responds to the learning interests, strengths, and capabilities of enrolled children; and
- (ii) Provides a positive learning environment for those children; and
- (iii) Reflects an understanding of learning and development that is consistent with current research, theory, and practices in early childhood education; and
- (iv) Encourages children to be confident in their own culture and develop an understanding, and respect for, other cultures; and
- (v) Acknowledges and reflects the unique place of Māori as tangata whenua; and
- (vi) Respects and acknowledges the aspirations of parents, family and whānau; and
- (b) Make all reasonable efforts to ensure that the service provider collaborates with the parents and, where appropriate, the family or whānau of the enrolled children in relation to the learning and development of, and decision making about, those children; and
- (c) Obtain information and guidance from agencies with expertise in early childhood learning and development, to the extent necessary, to—
- (i) Support the learning and development of enrolled children; and
- (ii) Work effectively with parents and, where appropriate, family or whānau.
- (2) Each licensed service provider to whom this regulation applies must comply with the curriculum standard: general.

6 Criteria to assess Curriculum standard

Professional practice

- C1** The service curriculum is consistent with any prescribed curriculum framework that applies to the service.
- C2** The service curriculum is informed by assessment, planning, and evaluation (documented and undocumented) that demonstrates an understanding of children's learning, their interests, whānau, and life contexts.
- C3** Adults providing education and care engage in meaningful, positive interactions to enhance children's learning and nurture reciprocal relationships.
- C4** The practices of adults providing education and care demonstrate an understanding of children's learning and development, and knowledge of relevant theories and practice in early childhood education.

Culture and identity

- C5** The service curriculum acknowledges and reflects the unique place of Māori as tangata whenua. Children are given the opportunity to develop knowledge and an understanding of the cultural heritages of both parties to Te Tiriti o Waitangi.
- C6** The service curriculum respects and supports the right of each child to be confident in their own culture and encourages children to understand and respect other cultures.

Children as learners

- C7** The service curriculum is inclusive, and responsive to children as confident and competent learners. Children's preferences are respected, and they are involved in decisions about their learning experiences.
- C8** The service curriculum provides a language-rich environment that supports children's learning.
- C9** The service curriculum provides children with a range of experiences and opportunities to enhance and extend their learning and development – individually and in groups.
- C10** The service curriculum supports children's developing social competence and understanding of appropriate behaviour.

Working with others

- C11** Positive steps are taken to respect and acknowledge the aspirations held by parents and whānau for their children.
- C12** Regular opportunities (formal and informal) are provided for parents to:
- communicate with adults providing education and care about their child, and share specific evidence of the child's learning; and
 - be involved in decision-making concerning their child's learning.
- C13** Information and guidance is sought when necessary from agencies/services to enable adults providing education and care to work effectively with children and their parents.

Documentation required

Documentation that provides evidence of the service's compliance with criteria C1 – C13. Documentation may take a variety of forms to suit the service's operation (such as portfolios, wall displays, policies and procedures) but must include:

1. A process for providing positive guidance to encourage social competence in children (C10);
2. A process for providing formal and informal opportunities for parents to:
 - communicate with adults providing education and care about their child, and share specific evidence of the child's learning; and
 - be involved in decision-making concerning their child's learning (C12); and
3. A record of information and guidance sought from agencies and/or services (C13).

PREMISES AND FACILITIES

Regulation 45 – Premises and facilities standard: general

- (1) The premises and facilities standard: general is the standard that requires every licensed service provider to whom this regulation applies—
 - (a) To use premises and facilities that, having regard to the number and age range of the children attending the premises, provide sufficient and suitable space for a range of activities, facilities for food preparation, eating, sleeping, storage, toileting, and washing, and sufficient and suitable heating, lighting, noise control, ventilation, and equipment to support—
 - (i) Appropriate curriculum implementation by the service provider; and
 - (ii) Safe and healthy practices by the service provider; and
 - (b) To comply with the requirements of Schedule 4 (which relates to activity spaces).
- (2) Each licensed service provider to whom this regulation applies must comply with the premises and facilities standard: general.

7 Criteria to assess Premises and facilities standard

General

PF1 The hospital from which the service operates has been granted certification under the Health and Disability Services (Safety) Act 2001 either:

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

Documentation required

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

PF2 A sufficient quantity and variety of furniture, equipment, and materials is provided that is appropriate for the learning and abilities of the children participating in the service.

PF3 All indoor and outdoor items and surfaces, furniture, equipment, and materials are safe and suitable for their intended use.

- PF4** There are spaces for the safe storage of equipment and materials.
- PF5** There is space for adults working at the service to:
- withdraw from children for planned breaks as appropriate;
 - meet privately with parents and colleagues;
 - store curriculum support materials; and
 - assess, plan, and evaluate.
- PF6** There are facilities (other than those used for body wash) or alternative arrangements available for the preparation and cleaning up of paint and other art materials.

ECE Activity Room

- PF7** The design and layout of any ECE Activity Room supports the provision of a range of different types of learning experiences that are appropriate to the number, ages, abilities, and specific mobility or treatment needs of the children likely to use it.
- PF8** The design and layout of any ECE Activity Room supports effective adult supervision.
- PF9** There are safe and comfortable spaces in any ECE Activity Room for infants, toddlers, or children not walking to lie, roll, creep, crawl, pull themselves up, learn to walk, and to be protected from more mobile children.
- PF10** Floor surfaces in any ECE Activity Room are durable, safe and suitable for the range of activities to be carried out at the service (including wet and messy play), and can easily be kept clean.
- PF11** A telephone or other means of communication is available in the ECE Activity Room to enable adults providing education and care to call for assistance when necessary.
- PF12** There are facilities (or appropriate arrangements in place) for hygienic hand washing and drying in any ECE Activity Room.

HEALTH AND SAFETY

Regulation 46 – Health and safety practices standard: general

- (1) The health and safety practices standard: general is the standard that requires every licensed service provider to whom this regulation applies to—
 - (a) Take all reasonable steps to promote the good health and safety of children enrolled in the service; and
 - (b) Take all reasonable precautions to prevent accidents and the spread of infection among children enrolled in the service; and
 - (c) Take all reasonable precautions to ensure that the premises, facilities, and other equipment on those premises are—
 - (i) kept in good repair; and
 - (ii) maintained regularly; and
 - (iii) used safely and kept free from hazards; and
 - (d) take all reasonable steps to ensure that appropriate procedures are in place to deal with fires, earthquakes, and other emergencies.
- (2) Each licensed service provider to whom this regulation applies must comply with the health and safety practices standard: general.

8 Criteria to assess Health and safety practices standard

General

HS1 The hospital from which the service operates has been granted certification under the Health and Disability Services (Safety) Act 2001 either:

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

Documentation required

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

HS2 Premises, furniture, furnishings, fittings, equipment, and materials used by children as part of the ECE programme are kept safe, hygienic and maintained in good condition.

HS3 Designated assembly areas for evacuation purposes outside of the building keep children safe from further risk.

HS4 Adults providing education and care are familiar with relevant emergency drills.

Documentation required

A record of the emergency drills carried out.

HS5 Safe and hygienic handling practices are implemented with regard to any animals at the service. All animals are able to be restrained.

HS6 When children leave the premises on an excursion:

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

Documentation required

A record of outings or excursions. Records include:

- the names of adults and children involved;
- the time and date of the excursion;
- the location and method of travel;
- assessment and management of risk; and
- evidence of parental permission.

HS7 If children travel in a motor vehicle while in the care of the service:

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

Documentation required

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

ECE Activity Room

HS8 Any ECE Activity Room is kept at a comfortable temperature no lower than 16°C (at 500mm above the floor) while children are attending.

HS9 Heavy furniture, fixtures, and equipment in any ECE Activity Room that could fall or topple and cause serious injury or damage are secured.

HS10 Any ECE Activity Room and equipment used by children as part of the ECE programme are checked on every day of operation for hazards. Hazards to the safety of children are eliminated, isolated, or minimized.

Consideration of hazards must include but is not limited to:

- cleaning agents, medicines, poisons, and other hazardous materials;
- electrical sockets and appliances (particularly heaters);
- vandalism, dangerous objects, and foreign materials;
- the condition and placement of equipment; and
- bodies of water.

Documentation required

A documented risk management system.

HS11 All practicable steps are taken to ensure that noise levels in any ECE Activity Room do not unduly interfere with normal speech and/or communication, or cause any child attending distress or harm.

Child protection

HS12 Medicine (prescription and non-prescription) is not given to a child unless it is given by authorised personnel in an emergency, or as part of the child's treatment as a patient of the hospital.

HS13 There is a written child protection policy that meets the requirements of the Vulnerable Children Act 2014. The policy contains provisions for the identification and reporting of child abuse and neglect, and information about how the service will keep children safe from abuse and neglect, and how it will respond to suspected child abuse and neglect.

The policy must be reviewed every three years.

Documentation required:

1. A written child protection policy that contains:
 - a. provisions for the service's identification and reporting of child abuse and neglect;
 - b. information about the practices the service employs to keep children safe from abuse and neglect; and
 - c. information about how the service will respond to suspected child abuse and neglect.
2. A procedure that sets out how the service will identify and respond to suspected child abuse and/or neglect.

HS14 All practicable steps are taken to protect children from exposure to inappropriate material (for example, of an explicitly sexual or violent nature).

HS15 Adults providing education and care must not use, or be under the influence of, alcohol or any other substance that has a detrimental effect on their functioning or behaviour while responsible for children participating in the service.

HS16 All practicable steps are taken to ensure that children do not come into contact with any person on the premises who is under the influence of alcohol or any other substance that has a detrimental effect on their functioning or behaviour.

GOVERNANCE, MANAGEMENT AND ADMINISTRATION

Regulation 47 – Governance, management, and administration standard: general

- (1) The governance, management, and administration standard: general is the standard that requires every licensed service provider to whom this regulation applies to ensure that—
 - (a) the service is effectively governed and is managed in accordance with good management practices; and
 - (b) the service provider regularly collaborates with—
 - (i) parents and family or whānau of children enrolled in the service; and
 - (ii) the adults responsible for providing education and care as part of the service; and
 - (c) appropriate documentation and records are—
 - (i) developed, maintained, and regularly reviewed; and
 - (ii) made available where appropriate—
 - (A) at any reasonable time on request by a parent of a child enrolled in the service; and
 - (B) at any time on request by any person exercising powers or carrying out functions under Part 26 of the Act; and
 - (d) adequate information is made available to parents of enrolled children and, where appropriate, to the families or whānau of those children about the operation of the service; and
 - (e) all reasonable steps are taken to provide staff employed or engaged in the service with adequate professional support, professional development opportunities, and resources.
- (2) Each licensed service provider to whom this regulation applies must comply with the governance, management, and administration standard: general.

9 Criteria to assess Governance, management and administration standard

Parent involvement and information

GMA1 The following are prominently displayed in any ECE Activity Room for parents and visitors:

- the Education (Early Childhood Services) Regulations 2008, and the Licensing Criteria for Hospital-based Education and Care Services 2008;
- the full names and qualifications of each person counting towards prescribed qualification requirements;
- the service's current licence certificate; and
- a procedure people should follow if they wish to complain about non-compliance with the Regulations or criteria.

Documentation required

A procedure people should follow if they wish to complain about non-compliance with the Regulations or criteria. The procedure includes the option to contact the local Ministry of Education office and provides contact details.

GMA2 Parents are advised how to access:

- information concerning their child;

- the service's operational documents (such as its philosophy, policies, and procedures and any other documents that set out how day to day operations will be conducted); and
- the most recent Education Review Office report regarding the service.

Documentation required

Written information letting parents know how to access:

- information concerning their child;
- the service's operational documents; and
- the most recent Education Review Office report regarding the service.

GMA3 Information is provided to parents about:

- how they can be involved in the service;
- any fees charged by the service;
- the amount and details of the expenditure of any Ministry of Education funding received by the service; and
- any planned reviews and consultation.

Documentation required

Written information letting parents know:

- how they can be involved in the service;
- any fees charged by the service;
- the amount and details of the expenditure of any Ministry of Education funding received by the service; and
- about any planned reviews and consultation.

GMA4 Parents of children participating in the service and adults providing education and care are provided with opportunities to contribute to the development and review of the service's operational documents (such as philosophy, policies, and procedures and any other documents that set out how day to day operations will be conducted).

Documentation required

Evidence of opportunities provided for parents and adults providing education and care to contribute to the development and review of the service's operational documents.

Professional practices

GMA5 A philosophy statement guides the service's operation.

Documentation required

A philosophy statement expressing the service's fundamental beliefs, values, and attitudes.

GMA6 An ongoing process of self-review helps the service maintain and improve the quality of its education and care.

Documentation required

1. A process for reviewing and evaluating the service's operation (for example, its curriculum, learning and teaching practices, philosophy, policies, and procedures) by the people involved in the service. The process is consistent with criterion GMA4, and includes a schedule showing timelines for planned review of different areas of operation.
2. Recorded outcomes from the review process.

GMA7 Suitable human resource management practices are implemented.

Documentation required

Policies and processes for human resource management, including:

- selection and appointment procedures;
- job/role descriptions;
- induction procedures into the service;
- a system of regular appraisal;
- provision for professional development;
- a definition of serious misconduct; and
- discipline/dismissal procedures.

GMA7A All children's workers who have access to children are safety checked in accordance with the Vulnerable Children Act 2014.

Safety checks must be undertaken and the results obtained before the worker has access to children.

The results of the safety checks must be recorded and the record kept as long as the person is employed at the service.

Every children's worker must be safety checked every three years. Safety checks may be carried out by the employer or another person or organisation acting on their behalf.

Documentation required:

1. A written procedure for safety checking all children's workers before they have access to children that meets the safety checking requirements of the Vulnerable Children Act 2014; and
2. A record of all safety checks and the results.

Planning and documentation

GMA8 An annual plan guides the service's operation.

Documentation required

An annual plan identifying 'who', 'what', and 'when' in relation to key tasks undertaken each year.

GMA9 An annual budget guides financial expenditure.

Documentation required

An annual budget setting out the service's estimated revenue and expenses for the year.

The budget includes at least:

- staffing costs, including leave entitlements;
- professional development costs;
- equipment and material costs for the ongoing purchase of new equipment and consumable materials; and
- Provision for operational costs (such as electricity, telephone, food purchases and other day to day items) and maintenance of the premises as appropriate.

GMA10 Adults providing education and care have access to information held by the hospital for each child participating in the service that includes:

- the child's full name, date of birth, and address;
- the name and address of at least 1 parent;
- details of how at least 1 parent (or someone nominated by them) can be contacted while the child is participating in the service;
- the name of the medical practitioner with overall responsibility for the child's care;
- details of any chronic illness/condition that the child has, and of any implications or actions to be followed in relation to that illness/condition; and
- any court orders affecting day to day care of, or contact with, the child.

GMA11 A record is maintained for children participating in the service. Records are kept for at least 7 years.

Documentation required

An attendance record that meets the requirements outlined in the Early Childhood Education Funding Handbook for children currently participating in the service, and children who have attended in the previous 7 years.

GMA12 Required documentation is made available as appropriate to parents and Government officials having right of entry to the service under Section 319B of the Education Act 1989.