

**Reprint
as at 1 June 2016**

**Education (Home-Based Care) Amendment Order 1998
(SR 1998/86)**

Education (Home-Based Care) Amendment Order 1998: revoked, on 1 June 2016, pursuant to clause 3 of the Education (Home-Based Care) Order Revocation Order 2016 (LI 2016/72).

PURSUANT to section 314(1) of the Education Act 1989, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, makes the following order.

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1 Title and commencement

- (1) This order may be cited as the Education (Home-Based Care) Amendment Order 1998, and is part of the Education (Home-Based Care) Order 1992¹ (**the principal order**).
- (2) This order comes into force on the 28th day after the date of its notification in the *Gazette*.

2 Standards for premises

- (1) Clause 3 of the Schedule of the principal order is amended by revoking paragraphs (18), (23), and (26), and substituting, respectively, the following paragraphs:
- (18) All heating fittings in the premises with exposed flames, elements or hot surfaces, must be safeguarded in such a way as to prevent harm to children:

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This order is administered by the Ministry of Education.

¹ SR 1992/238

- (23) All steps and ramps in the premises to which children have access must be safeguarded in such a way as to prevent harm to children:
- (26) Every stove or cooking hob in the premises must be safeguarded in such a way as to prevent harm to children:
- (2) Clause 3(32) of the principal order is amended by omitting the words “local Area Health Board”, and substituting the words “body that, on the commencement of this order, was known as the Health Funding Authority”.

3 Standards of care and education

Clause 5 of the Schedule of the principal order is amended by revoking paragraphs (3), (20), (21), (24), (26), (32), (36), (37), and (39), and inserting, in their appropriate numerical order, the following paragraphs:

- (3) While children are receiving home-based care in any premises, no person who is, or is likely to be, affected by—
 - (a) Alcohol; or
 - (b) Any other substance that has a detrimental effect on the person’s functioning or behaviour,—
 may be in or enter the premises:
- (20) Before arranging home-based care for any child, the arranger must find out if the child has any infectious or contagious disease, disability, or adverse health condition, that presents a substantial risk to other children:
- (21) The arranger must tell the caregiver if children have any infectious or contagious disease, disability, or adverse health condition, that presents a substantial risk to the health and safety of other children, before they enter the home:
- (21A) The caregiver must be able to refuse to take any child who has any infectious or contagious disease, disability, or adverse health condition, that presents a substantial risk to the health and safety of other children:
- (23A) If any child becomes seriously ill or is involved in a serious accident, the caregiver must take immediate steps to seek medical aid:
- (24) A child who becomes ill must be made comfortable and kept under close observation at all times; and if necessary must be isolated from other children or returned to the arranging parent as soon as possible:
- (26) Children must not receive home-based care from the caregiver while the caregiver is ill or has an infectious or contagious disease; and the caregiver must take all reasonable steps to ensure that children do not come into contact with people suffering or suspected to be suffering from any infectious or contagious disease:
- (29A) If the caregiver is satisfied, on reasonable grounds, that a person—
 - (a) Has committed a crime against children; or
 - (b) Has abused children,—

- the caregiver must refuse entry to that person:
- (30A) While children are receiving home-based care in any premises, no person may smoke in any area used by children, in any area where food is prepared, or in any outdoor area where children are playing:
- (32) While children are attending home-based care, the arranger must ensure that caregivers—
- (a) Enhance children’s learning and development through planning and evaluating a range of appropriate activities that cater for the cognitive, creative, cultural, emotional, intellectual, physical, and social needs of each child; and
 - (b) Demonstrate understanding of children’s learning and development, and current good practice for early childhood education; and
 - (c) Plan the physical environment to provide opportunities for play and experiences both indoors and outdoors; and
 - (d) Ensure that children have opportunities to interact and play with other children; and
 - (e) Encourage children to become and remain confident in their own culture, and to develop an understanding of and respect for other cultures of Aotearoa/New Zealand; and
 - (f) Ensure that parents and whanau are given opportunities to participate in decision making concerning their children and to discuss their children’s progress and needs:
- (35A) The records required by paragraph (35) to be kept must be retained for at least 7 years and must be made available for inspection by the co-ordinator or the arranger on request:
- (36) Notwithstanding paragraphs (29) and (29A),—
- (a) Children’s parents and guardians (other than a parent or guardian required by law not to have access to the child concerned); and
 - (b) Any person authorised in writing by a parent or guardian (other than a person required by law not to have access to the child concerned, or to the premises); and
 - (c) The arranger or a representative of the arranger,—
must have access to the premises at all times when children are receiving home-based care there:
- (37) Except as provided in paragraph (37A), no premises must have more than 1 caregiver:
- (37A) If more than 3 siblings under 2 are receiving home-based care in any premises, there must be 2 caregivers:
- (39) Without limiting the generality of paragraph (38), there must not be—

- (a) More than 4 children under 6; or
 - (b) Unless they are siblings, more than 2 children under 2,—
receiving home-based care in any premises at the same time:
- (45A) Each co-ordinator must be a person considered by the arranger to be suitable to co-ordinate a network:
- (47A) Each network must have—
- (a) A copy of this order; and
 - (b) Copies of the Education Review Office reports on its network,—
available for inspection at reasonable times by the parents, guardians, and families of children receiving home-based care:

MARIE SHROFF,

Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force 28 days after notification in the *Gazette*, makes miscellaneous amendments to the Education (Home-Based Care) Order 1992.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 14 May 1998.

Eprint notes

1 *General*

This is an eprint of the Education (Home-Based Care) Amendment Order 1998 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Education (Home-Based Care) Order Revocation Order 2016 (LI 2016/72)