

# Economics trumps child rights

## *How the 2024 ECE Regulations Review frames teacher qualification issues and why we should be worried*

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Of great concern within the Ministry for Regulation's 2024 Regulatory Review of Early Childhood Education report was Recommendation number 10 that aims for greater flexibility in qualifications within the early childhood education (ECE) workforce. The recommendation directly undermines current policy objectives within the Early Learning Action Plan (2019–2029) which aspire towards a goal of 100% qualified teachers. Taking a strongly market-based approach to ECE and privileging the interests of business owners and market performance over the experiences of children, families, and teachers, a series of new market-related problems associated with qualifications have been produced within the review and used to frame the recommended change. This paper explores how the scene has been set for this call for qualification diversification and argues that the direction of travel is wrong-headed if ECE is to thrive, as the report claims it should.

### Introduction

Teacher qualifications in early childhood education (ECE) have been debated for as long as systems of ECE have been being established around the world. Educated commentaries recognise the positive impact of qualified teachers for quality provision and practice (Burchinal, 2018; Manning et al., 2019; Nutbrown, 2021; OECD, 2025), yet worldwide the struggle to attract and retain qualified ECE teachers persists and is predicted to grow (OECD, 2024, 2025). From the perspective of the profession here and internationally, issues facing teachers seem less about the demands upon oneself to gain a qualification and more about perceptions of status, conditions of work, teacher wellbeing, remuneration, and a lack of career progression to name a few (Ministry for

Regulation, 2024b; NZEI Te Riu Roa, 2023; Totenhagen et al., 2016). For New Zealand's Ministry for Regulation (2024a), however, qualifications represent a direct site of "trade-off" (p. 78) between a service's ability to operate and the level of quality the service is able to provide. The requirements for teacher qualifications, it seems, have become an issue to overcome if the *business* of ECE is to flourish and deliver its anticipated (economic) returns. This paper addresses the matter of qualifications as put within the *Early Childhood Education Regulations Review 2024* (Ministry for Regulation, 2024a; hereafter, The Review), and argues that the proposed direction of travel towards qualification flexibility is wrong headed if ECE is to thrive, as the report claims it should.

## Why do teacher qualifications matter in ECE and what does The Review say is wrong with ours?

Teacher qualifications and other structural factors of quality (e.g., group size and teacher–child ratios) have long been associated with positive child outcomes and higher-quality ECE (Manning et al., 2019; Meade et al., 2012; Mitchell et al., 2011; Oberhuemer & Schreyer, 2024; OECD, 2005; Sylva et al., 2004; Wylie et al., 1996). But process factors of quality are also increasingly viewed as significant (Burchinal, 2018; OECD, 2022) and therein qualifications matter significantly. Arguably, neither structural nor process factors can really stand apart from the other—group sizes influence the quality of relationships, teacher–child ratios affect the amount of time teachers can spend with individual children, a qualification will influence pedagogical capabilities and curriculum implementation, and so forth. Teacher qualifications impact quality directly, along both structural and process dimensions.

It is perhaps the difference that holding an ECE qualification can make to process quality that underscores the importance of qualifications and their impact on teaching (Mitchell et al., 2011; Smith, 1996). This is because process quality is directly concerned with the experiences of children and with children's interactions with others (people, places, and things). Teachers are instrumental in shaping learning environments within ECE, and in mediating children's experiences through sensitive and responsive interactions (Dalli et al., 2011; Gunn & Hruska, 2017). In fact, the framework for early childhood curriculum in Aotearoa, *Tē Whāriki* (Ministry of Education, 2017; hereafter MoE) is replete with expectations for how teachers should shape ECE learning environments if they are to support the kinds of learning outcomes expected. We know also that children's positive behaviour increases in high-quality settings characterised by engagement with sensitive and responsive adults (Melhuish et al., 2015). How do you come to be a sensitive and responsive teacher who is also capable of addressing the requirements of the curriculum framework for ECE? I think it's through knowledge, skills, values, attitudes, and capabilities learnt and honed while gaining a qualification to teach.

Despite such evidence and international recognition of the importance of qualifications for teaching and for quality in ECE, The Review

(Ministry for Regulation, 2024a) proposes that qualification standards may need to change in favour of more flexible requirements. At the present time, for centre-based teacher-led ECE settings, 50% of required teachers must hold (or be in their final year of study towards) a recognised ECE qualification (Education (Early Childhood Services) Regulations 2008). Notwithstanding this low regulated standard of 50%, recently released data (MoE, 2024) report that 71% of teaching staff in the sector are qualified, a proportion that has been increasing ever so slightly over these past few years (MoE, 2020, 2021a, 2022, 2023). Yet, The Review names many problems with qualifications and the workforce, most of which are associated with findings 22 and 25 of the report. These findings and their evidence are what I go on to discuss next.

The 22nd finding of The Review is that a proliferation of definitions for what constitutes qualified teacher and when, has resulted in confusion and caused labour supply issues within the sector. I think this is a strange finding, for two reasons. First, it doesn't seem to be directly supported by reference to submissions described in the report *What Submitters Told the Early Childhood Education Regulatory Review* (Ministry for Regulation, 2024b; hereafter The Submissions Report). Rather, it seems to be more of a discovery of the review team as they familiarised themselves with funding and regulation documentation as part of their work. This is documentation that the sector has been familiar with and using for years. Anyway, the multiple definitions fact is constituted by the review team as a “discrepancy” (Ministry for Regulation, 2024a, p. 74) and therefore as a problem to be sorted.

It is true that the meaning of qualified teacher differs for regulatory and funding functions. It is also true that the definitions for what constitutes qualified teacher in different circumstances have changed in recent years, and that those changes aren't wholeheartedly accepted. I do not, for example, agree with the intended temporary measure (MoE, 2021b) of allowing primary sector qualified teachers to be counted as a “person responsible”. Nor do I think it's satisfactory that people with primary sector qualifications can be counted as qualified, without further teacher education, even if only for funding purposes. A previous attempt to address shortfalls of qualified teachers in ECE included a plan to support primary quali-

fied teachers to undertake upgrades to ECE teacher qualifications (New Zealand Government, 2012)—this should remain a minimum expectation in my view. Furthermore, an additional requirement for funding rules concerning teacher registration and certification and certain roles and functions, adds complexity. However, that there is a difference between funding and regulatory requirements for what counts as qualified teacher is not really itself an issue, it just needs to be known and understood. It is most certainly not, in my view, an issue proportional to a recommendation for more flexible ECE qualifications. Yet The Review argues that it “creates administrative complexity to have two ‘rulebooks’ with differing meanings for the same words” (Ministry for Regulation, 2024a, p. 74) and calls for change.

The review team's description of implications of the finding (that multiple definitions cause confusion and labour supply issues) are mostly contextualised in business operations and economic terms. It is argued:

- as a consequence of the “in-training” position not attracting “qualified” funding (allowable under the 50% regulated teacher rule), there is no incentive to employ someone in an “in training” position
- as primary qualified teachers don't count as part of 50% qualified for licensing, there is no incentive to employ them (unless they're a person responsible)
- requiring teachers to hold a current practising certificate makes it harder for those who have left the profession to return if their practising certificate is expired, and more difficult, therefore, for settings to attract the higher funding band.

Whether these are actual or imagined implications is difficult to determine from the evidence provided—none are qualified in terms of either reported feedback of submitters, or research evidence. A behind-paywall news media item from BusinessDesk.co.nz (Meier, 2024) is referred to as evidence of diminishing operating margins, especially for small and not-for-profit service types. But even that problem (diminishing operating margins) has nothing to do with any of the noted implications of the so-called confusion-causing rules. Furthermore, none of the noted implications are in any way concerned with the quality of care and education directly experienced by children, which, as has been argued already, is impacted greatly by whether their teachers hold ECE qualifications

or not. Yet, a wholesale change to qualification requirements that would impact children, teachers, and curriculum, and more is slated.

So, what about finding number 25, that requirements for qualifications are negatively impacting labour supply for some setting types? Well, *some* submitters, defined in the review as being between 12%–30% of submissions, provide evidence for the review team’s finding (Ministry for Regulation, 2024a). One must read evidence in The Submissions Report (Ministry for Regulation, 2024b) to try to understand how the interpretation was made. Sections 258–264 (pp. 79–80) are relevant. Therein three pieces of reported feedback are intended to exemplify what was said and found:

“... the relieving-system is exacerbating the teacher shortage’—Executive Leadership Team member of centre-based provider (private);

“‘I know of small rural centres that can not [sic] meet childcare demand because they can not [sic] find the right qualified teachers’—Owner of centre-based service provider (private) (p. 79); and

“‘We would like to be able to increase the size of our bilingual centre due to high demand. We are unable to do this due to the lack of qualified registered Kaiako who have a high level of te reo Māori. We have been advertising for over a year for a Kaiako.’—Executive Leadership Team member of centre-based (university-based) service provider” (p. 80)

I note that not one of these comments actually speaks to a finding that qualification requirements in themselves are contributing to labour supply shortages. The first bemoans relief-teaching systems, the second centres on services’ notion of finding “the right” qualified teachers, and the third is critical of the “level of te reo Māori” of qualified and registered teachers.

Six other statements summarising submission feedback are reported. Two share views expressed from Te Kōhanga Reo National Trust and Ngā Puna Reo o Aotearoa. In these, the issue of competitive market practices (associated with remuneration and career opportunities) is raised. Two statements from Pacific service provider submissions highlighting a lack of qualification pathways for Pacific ECE and problematic professional requirements for teacher registration are included. Finally, home-based ECE services’ issues associated with financial and qualification requirements

for carers in home-based care are described. Again, mostly this evidence doesn’t suggest that ECE qualification requirements in themselves are an issue (for settings outside of home-based care). So, what else might be driving the call for qualification flexibility in the field?

The Submissions Report (Ministry for Regulation, 2024b) also says that “many submitters said that the composition of the workforce is not right to achieve the potential benefits of early childhood education for children” (p. 77). In this case, *many* means between 30%–50% of submissions. Sections 252–257 are relevant. However, how this evidence supports the assertion of a problematic workforce composition is unclear. Therein, reported evidence underscores the absolute importance of qualifications for quality ECE provision. It describes parents’ high expectations for teacher qualifications and experience. And, it calls for even more qualified teachers in ECE. So, what else might be driving the findings that qualification requirements are confusing and contributing to labour supply shortages?

Other workforce issues are raised in the report (Ministry for Regulation, 2024a); for example, concern over the length of time it takes teachers to qualify relative to “the nature of the sector” (p. 78) is illustrative. The sector nature, as far as I can tell, means a sector characterised by “high burnout” and “comparatively poor remuneration ... for the qualification level required” (p. 78). Neither of these issues is about qualification requirements per se; they

are about working conditions of teachers and pay. The cost of study and length of time to complete a recognised qualification are also cited as issues. However, these are problems about the adequacy of support for student teachers, teacher education programme requirements, and the available range of qualification pathways, not the qualifications themselves. Inflexible rules related to funding and regulation are cited as problematic as well. Again, not an issue with qualifications per se; nevertheless, used to justify the recommendation for more flexible qualification requirements in the field. In summary, Table 1 illustrates the problems associated with workforce and qualifications I found to be raised by The Review and included in reported submitters’ evidence.

The Review’s findings were that the multiple definitions for what constituted qualified teacher was a problem and that qualification demands were causing labour supply issues. Yet, the problems raised by submitters attest directly to neither of these. From this analysis it seems that the qualification recommendation within The Review must be based on something else—in part, the review team’s interest in solving a problem of their own making, the so-called discrepancy in definitions, and thereafter the desire to relieve administrative burdens on business owners—in an attempt to reduce operational costs in search of an improved functioning of the market and profitable business of ECE.

**TABLE 1. WORKFORCE/QUALIFICATION-RELATED PROBLEMS IDENTIFIED IN THE REVIEW**

Problems identified by the review team	Problems identified by submitters
Administrative burden (of discrepant definitions for qualified kaiako)	Relieving system exacerbates teacher shortages
Cost and time to gain qualifications	The “right” qualified teacher is hard to find (in rural settings)
Limited roles for sub-degree-qualified workers	The level of te reo Māori of qualified teachers is insufficient
An “all or nothing” approach to qualifications	Market competition (remuneration and career progression related)
Non-recognition of practical experience	Lack of qualification pathways for Pasifika ECE
New Zealand is an outlier in terms of recognising sub-degree qualifications	Problematic teacher registration requirements for Pacific teachers
Barriers to sub-degree qualification recognition for overseas qualified educators	Home-based care qualifications and funding
Lack of career progression	
High teacher burnout	

## The Review's concern with the ECE market

At the very beginning of The Review's report (Ministry for Regulation, 2024a), concepts associated with business and economics are centred and used to drive arguments for the findings and recommendations that ensue. Issues of limited supply, confusing requirements, compliance burden, a lack of innovation, and impediments to business expansion are raised. All these factors are framed as problems for the ECE market and, therefore, for The Review to resolve.

Chapter Two of the report directly explains why The Review is concerned with the ECE market and competition therein. For them, a well-working market is indicated by competition that's sufficient to drive improvements to the quality of provision. Furthermore, The Review argues that, if the market is working well, it should be possible to see whether parental and whānau choice exists—expecting that it should. I think it is important to note here that parent and whānau choice is not about having a selection of ECE service types from which to choose to send your children to. Rather, choice is construed as whether parents and families can access ECE to enable them to choose to participate in the labour market, or study, or to engage in “other economic pursuits” (Ministry for Regulation, 2024a, p. 7). So, economics, competition, and parents' participation in the broader economy are goals underpinning The Review's interests in the market approach—despite the fact that this business and market framing of ECE has been rigorously questioned in terms of quality, equity, profiteering, and more for years, both here and around the world (Lloyd & Penn, 2012; Mitchell, 2012, 2019; Penn, 2014; Sumsion, 2012). To me, this preoccupation with market, business, and economic interests creates a fundamental contradiction within The Review. This is because, despite the dominance of business, market, and economic thinking, The Review also notes ECE as a so-called “merit good” (Ministry for Regulation, 2024a, p. 17), meaning, in economic terms, a type of good or service that brings benefits to more than those who directly consume it. In other words, The Review nods to the longer-term and broader positive consequences of high-quality ECE as a public good, yet it recommends actions that will detract from the positive impacts that ECE can make. Furthermore, The Review claims to be in support of the Government's current vision for

ECE (see section 107, p. 35) which is encapsulated within the current Early Learning Action Plan 2019–2029 (NZ Government, 2019; hereafter ELAP). That vision aspires to high-quality settings that are valued by parents and whānau. High-quality is the point to note here. Relatedly, the ELAP also contains an objective of having 100% qualified regulated teachers within centre-based and teacher-led services. Clearly, this is an objective that is undermined by the recommendation for qualification flexibility in The Review.

## The Review's recommendation number 10: What is it and why should we be concerned?

The 10th recommendation of The Review is “Allow greater flexibility in workforce qualifications to support access and quality across all areas and service types” (Ministry for Regulation, 2024a, p. 10). Several options (p. 94) for what this could look like provide greater detail of possibilities for change. The options are:

- having people with vocational qualifications (that is, qualifications below the level 7 benchmark) count within the qualified teacher requirement
- allowing more than one person “in training” to count as part of the qualified teacher requirement
- removing the link between the number of certificated teachers and funding
- allowing certain centres (immersion te reo Māori, Pacific language services, and services that are rurally located) to be exempted from qualification rules or to be allowed to have different qualification conditions noted on their licence
- introducing a so-called “experience route” to qualification.

Notwithstanding the overall problem that reduced or more flexible qualification standards will pose for quality provision and the disruption of progress towards the current 100% qualified and regulated teacher goal, the suggestions of what the proposed flexibility could look like are troubling for many other reasons, including even for reasons of simple logic. For instance, one of the major problems identified in The Review is that the proliferation of definitions for what count as qualified teacher is causing confusing and labour supply issues. Wouldn't adding vocational qualification holders to the definition of “qualified” compound this? Also, having more than one “in training” position be allowed to count “as qualified”

seems counterintuitive given the report asserts that there is no incentive to make such positions available because they don't attract “qualified” funding. The suggested removal of certified teacher requirements for funding purposes has been rightly criticised by the professional body for teachers for reasons of diminishing professionalism and capacity to deliver on educational outcomes for young children (Matatū Aotearoa | Teaching Council of Aotearoa New Zealand, 2025). And, why should some children, families, and communities be subject to lesser qualification standards? Poorer quality ECE can and does harm (Mitchell et al., 2008). How is this proposal to provide lesser quality ECE for Māori, Pacific, and rural communities even tenable?

The idea of introducing an “experience route” towards qualification deserves some unpacking I think. Having already lived through the qualification upgrade/grandparenting initiatives for ECE qualifications in New Zealand in the 1990s, the proposal is doubly worrying in a changed ECE context of market-dominated provision and profiteering. The “experience route” idea is actually a current initiative in the UK (Department for Education, UK, 2025), introduced as a stop-gap measure to address a workforce crisis there. Highly rated services, on Ofsted inspection, will be able to, after a brief period of supervised practice, count staff with low-level qualifications (below the required level 3 standard) and a year's experience working in the centre, as qualified.

Aside from the probable compounding confusion that adding yet another definition for qualified teacher to our system would cause, given the issues already identified by The Review, the idea is challenging on other grounds. In the UK system, the assessment of whether the staff member should count “as qualified” is to be done within the setting, by the setting's manager who themselves is required to have only 2 years of experience working in ECE. Who would be the equivalent persons in our system? What would qualify them to make judgements about non-qualified staff being capable “as if” they were qualified? How would such judgements be moderated across the sector, and around the country? What would this mean for the quality of teacher education, or for ECE's position in the profession? Clearly the initiative raises red flags.

To me, this suggestion, if adopted, will further undermine professionalism. It will make managers vulnerable to pressure from business



owners to wilfully employ and affirmatively assess underqualified staff so they can be signed off to meet staffing/funding pressures. It will further undermine children's rights to qualified teachers in ECE. Clearly, there is a lot to work through and to understand in relation to this recommendation about introducing more flexible qualification rules to the field.

### Final comments about the qualifications and workforce problems noted in The Review: What is warranted for attention instead?

There is no doubt that the ECE sector is facing serious issues of balancing quality education provision against operational requirements and regulatory and workforce demands. The market approach to ECE that has gained ground in New Zealand since the 1990s has arguably exacerbated this. Competition, profits, and market performance have been centred over children's rights, quality, and ECE as an integrated part of the education system, and as a public good. This review of ECE regulatory settings is a timely one. But, we should expect that proposals and recommendations for change in The Review are at least reflective of the actual problems submitters raised.

If this were the case, we would likely not find recommendation number 10 and its associated proposals as outcomes of The Review. Instead, we would be figuring out how to realise ECE as an integral part of the education ecosystem, a right of every child, valued service and support to families and communities, and a public good. In my reading of The Review, calls were made by submitters for: more qualified teachers; more culturally relevant qualification pathways; more teacher *te reo Māori* capability; better remuneration (to address competition in the market and to reflect the benchmark qualification standard); solid career pathways; realistic registration and certification requirements; clarity over or the removal of different definitions for what is constituted as qualified teacher. Instead, The Review and its recommendations have privileged economics and business thinking in their desire to remove administrative burdens for business owners. As a result, children, families, and teachers will bear the loss. This is the major barrier to progressing quality ECE and the qualifications issue in my view—and a wrong-headed direction of travel if ECE is to thrive, as The Review claims it should.

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