

27/06/2024



OIA: 1330167 – Report requirements for Early Learning providers

Thank you for your email of 5 June 2024 to the Ministry of Education (the Ministry) requesting the following information:

What reports have Early childhood teachers been required to write on the following subjects:

- 1. the risks of apples falling from a tree in the playground*
- 2. first aid certificates being hung on the right-hand side of the doorframe instead of above it.*
- 3. train drivers honking their train horns as they drive past early childhood education facilities.*

Your request has been considered under the Official Information Act 1982 (the Act).

Teachers are not required to write reports on the subjects that you have outlined in your request. Therefore, your request is refused in full under section 18(e) of the Act, as the document alleged to contain the information requested does not exist.

However, service providers are required to ensure that equipment, premises and facilities are checked on, every day of operation, for hazards to children. Accident/incident records are analysed to identify hazards and appropriate action is taken. Hazards to the safety of children are eliminated, isolated or minimised. If a hazard is identified, they are required to write a Hazard Management Plan.

Where services grow their own fruit and vegetables it is appropriate for them to include this on their hazard register as a choking risk and have a policy and process for managing children's access to the fruit.

More information is available on our website at the following link:

<https://www.education.govt.nz/early-childhood/licensing-and-regulations/the-regulatory-framework-for-ece/licensing-criteria/centre-based-ece-services/health-and-safety/hazards-and-outings/hs12-hazard-management/>

Children are also required to be seated and supervised while eating to reduce the risk of choking, so it is important that services ensure that if fruit is available outside for children to eat that children are seated and supervised. The rationale is to uphold the safety of children by minimising the risk of choking while eating.

Regarding **part two** of your request, we are not aware of the specifics of this example and therefore the Ministry is unable to comment on how this scenario could have eventuated. There are two requirements relating to First Aid.

Service providers are required to ensure that there is one first aid trained adult present at all times for every 25 children attending and if requested provide copies of those first aid certificates. There is no requirement to display first aid qualifications, however it is common practice for services to display these in the entrance of the service alongside other teaching qualifications.

Services are required to have first aid kits that are easily recognisable and readily accessible to adults and inaccessible to children. A common way to demonstrate this is to have the first aid kit in a cupboard or shelf with a first aid sign.

Regarding **part three** of your request, service providers are required to ensure that all practicable steps are taken to ensure that noise levels do not unduly interfere with normal speech and/or communication or cause any child attending distress or harm. More information can be found here: <https://www.education.govt.nz/early-childhood/licensing-and-regulations/the-regulatory-framework-for-ece/licensing-criteria/centre-based-ece-services/health-and-safety/hazards-and-outrights/hs15-noise-levels/>

The criterion aims to uphold the health and wellbeing of children by ensuring that steps are taken, when necessary, to manage high noise levels in day-to-day operation (as in the case of ongoing construction next to the service).

The licensing criteria are designed to enable service providers to demonstrate compliance in multiple ways to suit their service type and location. Service providers should consider the surrounding environment to assess whether it is suitable for children and any additional requirements they may need to consider in order to be both granted a licence to operate and in order to maintain ongoing compliance with the Education (Early Childhood Services) Regulations 2008 before making decisions to build an early learning service.

We are aware of one circumstance in November 2022, where Ministry staff were on site conducting a full licence assessment at an early learning centre, a train went past the service and applied its horn. Due to the train tracks being located immediately behind the outside play space, the sound of the horn was very loud. Ministry staff had a conversation with the Service Provider Contact Person (SPC) regarding the noise level. The SPC took it upon herself to contact the train operator to discuss the lateness the horn was applied after the level crossing. The train horn was added to the service's Hazard Register by the SPC.

It is important to note the examples for **parts one and three** were not identified as breaches to the regulations by the Ministry. The service provider chose how they would meet the licensing criteria requirements specific to their location and situation which was assessed as compliant.

The criteria for **parts one to three** are important to ensure the health and safety of children attending an early learning service.

Trees that are not maintained and regularly checked can present a potential hazard to children and adults. An example of this was an incident in 2016 where several children were hospitalised when a tree fell on children at a preschool.

In response to findings following a serious choking incident, licensing criterion Health and Safety (HS) 22 was amended in 2021. Early learning services that prepare and serve food to children are now required to follow Ministry of Health guidance which can be found here:

<https://www.health.govt.nz/system/files/documents/publications/reducing-food-related-choking-babies-young-children-early-learning-services-apr21.pdf#:~:text=Research%20shows%20that%20some%20food%20poses%20a%20greater,the%20texture%20or%20size%20and%20shape%20of%20others.>

Please note, we may publish this response on our website from the following working day. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review my decision on your request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā



Ray McMillan
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Te Mahau | Te Pae Aronui (Operations and Integration)