



2017 Early Childhood Education Complaints and Incidents Report

This report summarises the complaints and incident notifications we received in 2017 about licensed ECE services and ngā kōhanga reo, and certificated playgroups (early learning services).

We have made some changes this year to the way the data is reported compared to previous years. The detailed information contained in previous reports is included as an appendix.

Summaries of each complaint and incident notification we received are also available.

Overview

There were 4,600 licensed early childhood education (ECE) and care services and ngā kōhanga reo operating in New Zealand in 2017.¹ In addition there were 927 certificated playgroups providing ECE. All services must meet minimum standards in order to receive and keep their licence or certification to provide education and care.

One of our roles is to support services to provide the best possible education and care to our children. Complaints are one way we identify services that may not be meeting the needs of children. We take complaints from parents, whānau, early learning staff and the community seriously. We publish our response to complaints because this helps give parents and whānau confidence that children are receiving education and care in safe, nurturing environments.

Complaints received in 2017 identified that a small number of services did not meet our expectations for children.

Parents, whānau, staff and the wider community can raise a complaint in their service at any time. If then they are not satisfied they can come directly to the Ministry of Education, anonymously if they wish. We assess each concern, investigate if necessary and act on findings if required. In the majority of cases we work with the service to lift the quality of the education and care they provide.

We are reporting on incidents in early learning services for the second year. Services are required to notify specified agencies, such as WorkSafe New Zealand, New Zealand Police and Oranga Tamariki | The Ministry for Children where there is a serious injury, illness or incident involving a child while at the service. Our licensing criteria require the service to notify us at the same time. Services also inform us of other incidents that happen in the service.

¹ The total number of licensed services changes as services open and close. These figures are based on data effective as at July 2017, [Education Counts](#).

Complaints

Received

We received a total of 339 complaints about early learning services and certificated playgroups in 2017.

- The 339 complaints related to 286 individual licensed services and certificated playgroups, 5% of all early learning services in 2017.

The number of complaints and incident notifications we received in 2017 is small when compared to the 5,527 early learning services (including playgroups) nationwide, and the more than 200,000 children nationally who attend those services.²

Investigated

We investigated 297 (88%) of the 339 complaints received.

A further 42 complaints (12% of complaints received) did not require investigation and were closed. These complaints were either:

- referred to the service's own complaints procedure,
- referred to another agency and didn't involve the Ministry, because the service or another agency can respond more appropriately,
- withdrawn, or
- not progressed, as the complainant did not want to identify the service or take the complaint further.

Upheld

A complaint is upheld when, after investigation, it is found that standards have not been met by the service or improvement is required in a particular area.

Of the 297 complaints investigated, we upheld 166 (49% of complaints received).

- The 166 complaints upheld related to 145 individual licensed services and certificated playgroups, 2.6% of all early learning services in 2017.
- A further 131 complaints (39% of complaints received) were not upheld.

Table 1 Total number of complaints received, investigated and upheld between 2013 and 2017

	2013	2014	2015	2016	2017
Complaints received	246	360	342	331	339
Complaints investigated	162	205	183	245	297
Complaints upheld	79	106	104	163	166

² July 2017, [Education Counts](#).

Responding to Complaints

We took a range of actions in response to complaints. This included:

- providing advice and guidance to the service,
- reviewing the service's policies or procedures,
- providing ongoing monitoring and support of the service,
- establishing an action plan for the service,
- providing professional learning and development (namely SELO: Strengthening Early Learning Opportunities), or
- taking a regulatory response.

In some cases, no further intervention was needed when the service had already taken steps to address the complainant's concerns.

Regulatory response

Fifty-four complaints (16% of the 339 complaints received) also led to 42 services having their licence amended to provisional, suspended or cancelled.³ This included:

- 41 complaints resulting in 31 services being placed on a provisional licence,
- 10 complaints resulting in six services having their licence suspended, and
- 11 complaints resulting in nine services having their licence later cancelled.

When we identify that a service is not meeting one or more regulatory requirements, we place the service on a provisional licence, suspend or cancel their licence. We do this when we have concerns for the health, safety or wellbeing of children, or when an allegation of a serious nature is investigated by another agency.

Services on a provisional licence must meet specific conditions within a set time period before they can regain their full licence. The licence must be displayed in a centre-based service, and in home-based services parents and caregivers must have access to a copy of the licence.

If the level of non-compliance is serious or significant, we can shut down the service by suspending or cancelling the licence so that the service is no longer able to operate.

Referrals to other agencies

Fifty-six complaints (17% of complaints received) were also referred to other agencies. Referrals can be made by early learning services or the Ministry of Education.

We assess each complaint to see if the support or advice of another agency is required. There are clear legal requirements that must be followed when the health, safety and wellbeing of children is at risk, including notifying the appropriate agency when something has happened.

Agencies can be notified of a concern by a parent or family member, the Ministry of Education, the early learning service, or a member of the public.

In serious cases, we can investigate alongside agencies like WorkSafe New Zealand in the case of accident or injury, New Zealand Police and the Ministry for Children | Oranga Tamariki when children are at risk, or the Education Council in the case of professional conduct or competency of registered and certificated teachers.

In other cases, advice or support from the agency may be requested.

³ Some services had their licence amended as a result of multiple complaints. Some services had their licence amended to more than one status as a result of a complaint, i.e. moving from a provisional licence to a suspension or cancellation.

Incident Notifications

Services let us know when incidents happen at their service. We mostly receive incident notifications about injuries, illnesses, hazards and events.

Services are required under our licensing criteria to record incidents, injuries and illnesses and report these to parents and whānau. They must have a documented process for responding to incidents and illnesses, and they must check their premises and facilities each day for potential hazards.

In 2017, we received 137 incident notifications about 130 early learning services. This is 2.4% of all early learning services.

The incident notifications we received included a mix of voluntary and mandatory incident notifications.

Mandatory notifications must be made to the Ministry when an incident has occurred that requires notification to another specified agency (including WorkSafe New Zealand, Oranga Tamariki | The Ministry for Children and the Education Council). This requirement was introduced from May 2016 for all services.⁴

Services also voluntarily notify us of incidents when they require support or assistance.

Responding to Incidents

The majority of incident notifications made in 2017 did not require any further involvement from the Ministry.

However, after being notified of an incident we may investigate to understand whether licensing requirements are being met. We may also contribute to the investigation of other organisations, where appropriate. Like complaints, we respond to an incident notification in a number of ways. This includes:

- requiring evidence such as an incident report or evidence of mitigation of any hazards,
- providing advice and support to the service on policies and practices,
- undertaking a licensing assessment visit if there is evidence of non-compliance in relation to the incident, or
- in serious cases, the Ministry's Traumatic Incident team will visit and support the service to continue operating.

Regulatory response

Further action is required when an incident requires our investigation and we identify that one or more standards have not been met. In some cases, a service's licence can be amended to provisional, suspended or cancelled.

Of the 137 incident notifications received in 2017, six services had their licence amended to provisional, suspended or cancelled.⁵ This included:

- five services being placed on a provisional licence, and
- one service having its licence suspended.

No incident notifications resulted in the cancellation of a service's licence in 2017.

Referrals to other agencies

Ninety-seven incidents (71% of incident notifications received) were also referred to agencies such as New Zealand Police, WorkSafe New Zealand or Oranga Tamariki | The Ministry for Children by early learning services or the Ministry of Education.⁶

⁴ HS34 of the Licensing Criteria for Centre-based Education and Care Services 2008; HS33 of the Licensing Criteria for Home-based Education and Care Services 2008. All incident notifications under this criterion must be accompanied by evidence of the notification to the specified agency.

⁵ The number of incident notifications resulting in a licence amendment and the number of services was the same.

⁶ The number of notifications made to another agency is not indicative of the number of mandatory notifications made to the Ministry under the licensing criteria.

Trends

- The proportion of complaints received by the Ministry of Education in 2017 was similar to previous reporting years, at around 5% of all services.
- The number of incident notifications decreased slightly from 2016 when this data was first reported.
- We are investigating more complaints. In 2017 we investigated 21% more complaints than in 2016. However, the proportion and number of upheld complaints remained largely the same.
- There are no significant shifts in the types of complaints we are receiving.
- Complaints about health and safety concerns continue to be significantly higher than any other category. We believe this increase can be partly attributed to an increased awareness of legal responsibilities under the Health and Safety at Work Act 2015.
- There has also been an increase in the number of complaints we received about abuse or neglect compared to previous reporting years. We believe this can be partly attributed to strengthened requirements for reporting abuse and neglect under the Vulnerable Children's Act 2014 and increased support for services, teachers, and Ministry of Education staff. Services must support children's workers to identify and respond to vulnerability, including possible abuse and neglect. Services must have a written Child Protection policy that meets the requirements of the Vulnerable Children Act 2014.

Appendices: Data tables

Table 2 Complaints received by Ministry of Education region

Region	Complaints received	Services with complaints received	Total services ⁷	% of total services
Tai Tokerau	5	5	297	1.7%
Auckland	137	111	1686	6.6%
Waikato	33	31	524	5.9%
Bay of Plenty / Waiariki	14	13	477	2.7%
Taranaki / Whanganui / Manawatu	15	14	388	3.6%
Hawke's Bay / Tairāwhiti	29	22	366	6.0%
Wellington	38	32	649	4.9%
Nelson / Marlborough / West Coast	8	7	218	3.2%
Canterbury / Chatham Islands	51	42	532	7.9%
Otago / Southland	9	9	389	2.3%
Total	339	286	5,576	

Table 3 Complaints upheld by Ministry of Education region

Region	Complaints upheld	Services with complaints upheld	Total services ⁸	% of total services
Tai Tokerau	2	2	297	0.7%
Auckland	81	66	1686	3.9%
Waikato	15	15	524	2.9%
Bay of Plenty / Waiariki	3	3	477	0.6%
Taranaki / Whanganui / Manawatu	9	9	388	2.3%
Hawke's Bay / Tairāwhiti	14	10	366	2.7%
Wellington	16	15	649	2.3%
Nelson / Marlborough / West Coast	3	3	218	1.4%
Canterbury / Chatham Islands	21	20	532	3.8%
Otago / Southland	2	2	389	0.5%
Total	166	145	5,526	

⁷ Excludes correspondence school, which is nationwide.

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Table 4 Complaints received by service type

Service Type	Complaints received	Services with complaints received	Total services ⁹	% of total services
Education and care	262	220	2,568	8.6%
Home-based	36	32	476	6.7%
Kindergarten	28	25	658	3.8%
Kōhanga reo	9	7	454	1.5%
Playcentre	1	1	421	0.2%
Playgroup	1	1	927	0.1%
Hospital-based	0	0	22	0.0%
Correspondence school	0	0	1	0.0%
Not identified	2	0	0	0.0%
Total	339	286	5,527	

⁹ We did not receive complaints about the 22 hospital-based services, or correspondence school.

Table 5 Complaints received, investigated and upheld by service type

The table below shows the number of complaints received and upheld according to one or more of 25 categories. A complaint can relate to more than one type of category.

Type of complaint	Description	Received	Upheld
Abuse or neglect	Allegations of physical or emotional injuries inflicted on children, including verbal abuse, isolation of children and physical harm	47	17
Accidents	Allegations of poor accident management procedures, including insufficient reporting of accidents to parents, children injuring each other and accidental injuries suffered by children	27	13
After-school care	Allegations of services providing an out-of-school service for over-5s while simultaneously providing a licensed ECE service for under-5s	1	0
Behaviour management	Allegations of poor behaviour management strategies used by teachers	49	19
Child leaving premises	Allegations of children accidentally leaving a service due to unsecure premises or a lapse in staff supervision	6	4
Complaints procedure	Allegations of dissatisfaction with the service's complaints procedure or the response of a service to a complaint	19	4
Curriculum	Allegations of poor curriculum quality, such as using inappropriate materials or poor implementation of Te Whāriki	34	15
Employment practices	Allegations of wrongful dismissals, poor staff management and poor employment policies	22	12
Enrolments	Allegations of service enrolment policies being unclear, changed with insufficient notice or not meeting the needs of the community	14	5
Exclusions	Allegations of children or caregivers being asked to leave a service with insufficient notice or reason	5	2
Excursions	Allegations of dissatisfaction with excursion procedures, including policies, staffing, communication and hazard mitigation	9	3
Fees	Allegations of overcharging, lack of transparency surrounding fees and subsidies and lack of communication regarding fee changes	36	9
Fraud	Allegations of services making fraudulent claims about children's attendance to the Ministry for funding purposes	9	3
Health and safety	Allegations of general problems with health and safety policies and procedures, including hazard management, food policies, child protection policies and smoking	146	78
Hygiene	Allegations of poor hygiene levels including head lice, child illness and cleaning products used	10	2

Type of complaint	Description	Received	Upheld
Learning support	Allegations of staff lacking the skills, experience or resources needed to appropriately respond to the learning support needs of children	14	9
Management and administration	Allegations of problems with the management and policies of a service including staff turnover, resources, relationships with, and communication from, management	88	39
Noise	Allegations regarding the levels of noise at a service. Generally received from neighbouring homes or businesses	2	0
Premises and facilities	Allegations of problems with the services premises, such as lack of space, lack of heating or unsafe playground equipment	25	11
Privacy	Allegations of children's, parents' or teachers' information being shared without permission	8	2
Ratios	Allegations that there are not enough staff present for the amount of children attending the ECE service	30	10
Supervision	Allegations of insufficient supervision of children attending the service	48	23
Teacher behaviour	Allegations of staff behaving inappropriately, generally towards parents rather than children	12	2
Teacher suitability	Allegations that staff are unsuited to care for children	20	3
Transportation	Allegations of problems with a service's transport arrangements, such as insufficient seating or insufficient supervision on transportation	3	2

Table 6 Licensing amendments from complaints

The table below shows the number of complaints that resulted in a licensing amendment, and the number of individual amendments that resulted from it. Some services had their licence amended as a result of multiple complaints. Some services had their licence amended to more than one status as a result of a complaint, i.e. moving from a provisional licence to a suspension or cancellation.

Licence change	Number of complaints	Number of services
Provisional licence	41	31
Suspension	10	6
Cancellation	11	9

Table 7 Complaints referred to another agency

The table below shows the number of times specified agencies were involved in complaints in 2017. Some complaints involved more than one agency.

Agency	Referrals
A local Council	3
Education Council of Aotearoa New Zealand	16
Human Rights Commission	1
New Zealand Police	28
Office of the Privacy Commissioner	1
Oranga Tamariki The Ministry for Children	37
WorkSafe New Zealand	5

Table 8 Incident notifications received by Ministry of Education region

Region	Incidents received	Services with incident notifications received	Total services ¹⁰	% of total services
Tai Tokerau	7	7	297	2.4%
Auckland	51	49	1686	0.4%
Waikato	8	8	524	1.3%
Bay of Plenty / Waiariki	7	7	477	1.5%
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Table 9 Incident notifications received by service type

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Hospital-based	0	0	22	0.0%
Correspondence school	0	0	1	0.0%
Not identified	1	1	0	0.0%
Total	137	130	5,527	

¹⁰ Excludes correspondence school, which is nationwide.

¹¹ We did not receive complaints about the 22 hospital-based services, or correspondence school.

Table 10 Licensing amendments from incident notifications

The table below shows the number of incident notifications that resulted in a licensing amendment, and the number of individual amendments that resulted from it.

No incident notifications resulted in the cancellation of a service's licence in 2017.

Licence change	Number of complaints	Number of licence services
Provisional licence	5	5
Suspension	1	1

Table 11 Incident notifications referred to another agency

Agency Notified	Received
Education Council of Aotearoa New Zealand	9
Ministry of Health	3
NZ Police	23
Oranga Tamariki The Ministry for Children	23
WorkSafe New Zealand	57



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