# Communicable diseases in early learning services and schools – a guide to legal powers

**A joined resource by the Ministry of Education and the Ministry of Health.**

School principals, school Boards of Trustees and early learning service managers/operators have a responsibility to manage health and safety at their school/service.

This includes managing any potential or actual outbreaks of communicable disease such as influenza, measles and most recently, COVID-19 (a novel coronavirus).

## Summary

* Ask that all students, children and staff showing signs of illness stay home
* School principals (of State Schools) can preclude a student from attending if they believe on reasonable grounds may have a communicable disease (using Section 77 of the Education and Training Act 2020)
* Contact your local District Health Board or Medical Officer of Health if you believe one of your children, students or staff may have a communicable disease
* The Medical Officer of Health has certain powers to manage the disease on a case-by-case basis
* If someone who you believe has a communicable disease does not stay away from your service or school as requested, contact the local Medical Officer of Health for advice and support
* If in doubt about anyone showing symptoms of a communicable illness, please contact your district health board or the Medical Officer of Health for advice
* If you have any further questions, please do get in touch with [your local Ministry contact](http://education.govt.nz/our-work/contact-us/regional-ministry-contacts/) for support.

[Public Health Unit Contacts – Ministry of Health](https://www.health.govt.nz/new-zealand-health-system/key-health-sector-organisations-and-people/public-health-units/public-health-unit-contacts)

[Ministry of Education local contacts](https://www.education.govt.nz/our-work/contact-us/regional-ministry-contacts/)

## Notifiable diseases

If a disease is classified as notifiable, this means health practitioners and laboratories are required to notify Medical Officers of Health of cases of a notifiable disease.

Medical Officers of Health then have powers to manage the disease on a case-by-case basis, including the ability to:

* formally initiate contact tracing of contacts of cases of coronavirus
* issue mandatory directions such as restricting movement and travel
* apply for court orders such as for treatment
* issue administrative 72-hour detention orders (urgent public health orders).

Please contact your local District Health Board or the Medical Officer of Health if you believe one of your children, students or staff may have a communicable disease.

For school Principals, this is a requirement if you have precluded a student from attending school under Section 77 of the Education and Training Act 2020 (see ‘Precluding students’ further below).

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## Symptoms of notifiable diseases

There are a large number of illnesses classified as notifiable under the Health Act 1956. Included below are symptoms of some notifiable illnesses which have arisen in New Zealand recently:

* Influenza - fever, cough, sore throat, runny nose, muscle and or body ache, fatigue, headache, chest discomfort
* Measles – first symptoms are a fever, cough, runny nose, sore and watery ‘pink’ eyes, sometimes small white spots on the back inner cheek of your mouth. Day 3 – 7 of illness - a blotchy rash which tends to start on your face, behind the ears, before moving over your head and down your body. The rash lasts for up to a week
* Whooping cough - runny nose, sneezing, mild fever, cough, ‘whoop’ sound with each sharp intake of breath after coughing, vomiting after coughing (especially in infants and young children), tiredness and redness of face
* COVID-19 - fever, coughing, difficulty breathing, sore throat, sneezing/runny nose, temporary loss of smell.

## For schools

Encourage all staff and students who are feeling ill to not attend school. This is usual practice and will align with your health and safety policies and/or school policies.

Please go to the Ministry of Health website for the latest advice from health regarding COVID-19, including for individuals needing to undertake a 14 day stay away period.

[COVID-19 - Ministry of Health website](https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/covid-19-general-cleaning-and-disinfection-advice/covid-19-cleaning-businesses-and-education-centres)

## Precluding students

In addition to the above, the Principal of a state school can preclude a student who they believe on reasonable grounds may have a communicable disease (Section 77 Education and Training Act 2020). The student has to stay away for the infectious period of the specific disease.

For private schools, Section 77 of the Education and Training Act 2020 does not apply. Principals can request that a student or staff member with a communicable disease or is suspected of having a communicable disease, does not attend.

For both state schools and private schools, if the person doesn’t comply, Principals can ask the Medical Officer of Health at their local Public Health Service for support, which could include a direction under the Health Act.

Principals are not medical experts and won’t have the ability to determine if the signs of illness presented in staff and students is influenza, early stages of measles, COVID-19 or some other illness which has similar symptoms.

Therefore the presenting symptoms along with any relevant information such as close contact with someone diagnosed with illness or recently travelling in a region which is known to carry risk of infection, will inform the principal’s decision about the application of Section 77.

The principal must inform the Medical Officer of Health, the student (if the student has turned 20 years), student’s parents (in any other case) and the School Board that they have taken this action.

If a student has been precluded on suspicion of having a communicable disease, the Board must, as soon as is practicable, investigate the matter. After investigating the Board should either cancel the preclusion or confirm that the student should stay precluded until the Board has received a certificate from a medical practitioner stating that the student is well enough to be back to school.

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[Section 77 of the Education and Training Act 2020](http://www.legislation.govt.nz/act/public/2020/0038/latest/LMS171458.html?search=qs_act%40bill%40regulation%40deemedreg_education+and+training+2020_resel_25_h&p=1)

## For early learning services

Encourage all staff who are feeling ill to not attend, and advise all parents and caregivers to not send their children if they are showing signs of illness. This is usual practice and will align with your health and safety policies.

Please go to the Ministry of Health website for the latest advice from health regarding the COVID-19, including for individuals needing to undertake a 14 day stay away period:

[COVID-19 - Ministry of Health website](https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/covid-19-general-cleaning-and-disinfection-advice/covid-19-cleaning-businesses-and-education-centres)

Early learning service providers should act immediately if there is a suspected case of an infectious or contagious disease. An outbreak does not need to be declared by health authorities for this action to occur. Contact your local Public Health Unit for advice.

If an early learning service provider or home-based educator has reasonable grounds to believe that any person has an infectious or contagious disease or condition, then they must exclude that person from the service and from coming into contact with children. This is required by Regulation 57 of the Education (Early Childhood Services) Regulations 2008.

Regulation 46(1)(b) also requires all licensed early learning services to take all reasonable precautions to prevent the spread of infection among children enrolled in the service.

All practicable steps must be taken to ensure that children do not come into contact with any person (adult or child) on the premises who is suffering from a disease or condition likely to be passed on to children and likely to have a detrimental effect on them. Children who become unwell while attending the service must be kept at a safe distance from other children (to minimise the spread of infection) and immediately returned to the care of a parent or other person authorised to collect the child. Refer to licensing criteria and guidance for more information, HS23 (home-based services) and HS26 (centre-based services and kōhanga reo).

In centre-based services, there are specific actions to be taken for different diseases, and these are set out in Appendix 2 of the licensing criteria. In home-based services, out-of-school care must not be provided to children who are absent from school due to illness.

All practicable steps must be taken to get immediate medical assistance for a child who becomes seriously ill, and to notify a parent. Refer to licensing criteria and guidance for more, HS24 (home-based) and HS27 (centre-based services and kōhanga reo).

[Read the regulations and relevant licensing criteria and guidance.](http://www.education.govt.nz/early-childhood/licensing-and-regulations/the-regulatory-framework-for-ece/)

## For staff (schools and early learning services)

As noted above, any staff member who is ill should be encouraged to stay home and seek medical advice.

Please go to the Ministry of Health website for the latest advice from health regarding COVID-19, including for individuals needing to undertake a 14 day stay away period:

[COVID-19 guidance - Ministry of Health](https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/covid-19-general-cleaning-and-disinfection-advice/covid-19-cleaning-businesses-and-education-centres)

The Board of Trustees and early learning service providers should ask a staff member to stay home if they are suspected of having a communicable disease.

If the Principal/early learning service provider is concerned that a staff member may have been exposed to a virus they should contact the health authorities for advice through the Healthline 0800 611 116. Healthline can provide information in many languages so long as specified which one is required during the call.

If the situation does arise that someone who is asked to remain away because they are ill, does instead turn up at the school or early learning service, management will need to isolate them if possible, and contact the Medical Officer of Health for advice and support.

A Medical Officer of Health can recommend or direct a staff member at any educational institution with a suspected or confirmed communicable disease and who poses a public health risk to stay home for the infectious period of the specified disease. The quarantine period is determined by the specific disease:

[Infectious diseases: information and exclusion list - Ministry of Health](https://www.healthed.govt.nz/system/files/resource-files/HE1215_Infectious%20diseases%20card.pdf)

## Medical Officer of Health

A Medical Officer of Health can recommend or direct a staff member at any educational institution with a suspected or confirmed communicable disease and who poses a public health risk to stay home for the infectious period of the specified disease. The quarantine period is determined by the specific disease:

[Infectious diseases: information and exclusion list - Ministry of Health](https://www.healthed.govt.nz/system/files/resource-files/HE1215_Infectious%20diseases%20card.pdf)

The Medical Officer of Health will consider issuing a direction to an individual to stay in quarantine (or to a parent to keep their child at home) if the disease they were exposed to is highly contagious and if there is substantial risk of transmission to others.

If someone fails to comply with a direction from a Medical Officer of Health, then they commit an offence. They may be liable to be convicted before a District Court Judge and ordered to pay a fine not exceeding $2000.

The Medical Officer of Health can also issue a direction for the whole school or early learning service requiring non-immune exposed contacts to be excluded until the end of a quarantine period (usually 1-2 weeks) because they are highly likely to become unwell.

**If in doubt about anyone showing symptoms of a communicable illness, please contact your district health board or the Medical Officer of Health for advice:**

[Public Health Unit Contacts – Ministry of Health](https://www.health.govt.nz/new-zealand-health-system/key-health-sector-organisations-and-people/public-health-units/public-health-unit-contacts)

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