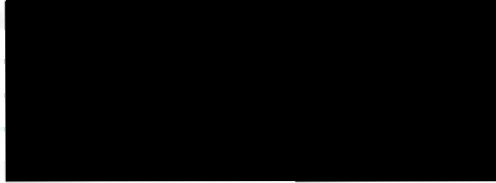





28 November 2019



Tēnā koe 

Thank you for writing to the Ministry of Education on 31 October 2019 and requesting the following information:

1A	<i>Any information the Ministry holds ... on the proportion of Early Childhood Education Staff who are fully vaccinated</i>
1B	<i>If the Ministry does not gather this information, please tell me why that is the case</i>
2A	<i>Any information the Ministry holds ... on the transmission of illness to children due to unvaccinated staff at ECE centres, and [...]</i>
2B	<i>any resulting fatalities or serious illnesses</i>
2C	<i>If the Ministry does not gather this information, please tell me why that is the case</i>
3A	<i>What measures ... the Ministry has taken, or considered taking, to encourage vaccination of ECE staff</i>
3B	<i>... any evidence that popcorn is riskier for children than whooping cough or measles</i>
3C	<i>– or other evidence on which the Ministry relied in deciding that the risks of unvaccinated staff at ECE is smaller than the risk of popcorn.</i>

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

Nothing is more important than the safety and wellbeing of our children and the laws governing early learning services are there to protect them. We want parents and caregivers to have confidence that their children are learning in a safe, well-run early learning service.

While there is an intersection between the requirements governing early learning services and public health matters, the Ministry of Health is the lead agency with regard to immunisations. The Health (Immunisation) Regulations 1995 require early education and care centres to keep immunisation registers of enrolled children aged 15 months and over. The register can help reduce the spread of preventable diseases in early learning services, as well as the wider community, by providing an ongoing record of who has been immunised for what, and when.

Our laws don't specifically require early learning staff, or children enrolled in early learning services, to be immunised. They are however very clear that services must do all they can to limit the likelihood of a child or adult with a disease or condition coming into contact with children at an early learning service.

For example, within the Education (Early Childhood Services) Regulations, 2008:

- Licensing criteria HS26 requires early learning services to take all practicable steps 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 onto children and likely to have a detrimental effect on them
- Regulation 57 states that if any person/worker has an infectious or contagious disease or condition, that person must be excluded from contact with children
- Regulation 30 allows for a service's licence to be suspended if they have not taken reasonable steps to ensure that children do not come into contact with staff members with a disease or condition capable of being passed onto children.

Early learning services are required to communicate and consult with parents about their operational documents. This includes processes and protections they have in place to keep children in their early learning service healthy and safe.

During the measles outbreak, we have provided regular information about measles via *He Pānui Kōhungahunga: the Early Learning Bulletin*. This includes that children with a confirmed case of measles, or displaying symptoms of measles, must not attend early learning services.

You can read the *Bulletin* articles on our website at <https://education.govt.nz/early-childhood/early-learning-bulletin/>.

You can find more information about the legal powers that exist to manage infectious diseases in early learning services on our website at <http://education.govt.nz/measles-information>.

### **Minimising food-related choking risks in early learning services**

In your request, you note proposed changes to food regulations in early education centres. We have been consulting on this because children aged under five are at a higher risk of choking. This is because they have small air and food passages and are still developing their biting, chewing and food-grinding skills. As you've said, we have proposed changes that will make it mandatory for early learning services to follow Ministry of Health guidelines on preparing and serving food for young children, to reduce the risk of choking.

The proposed changes consider three key areas: the physical environment when eating, first aid and appropriate food. We expect that most early learning services already follow the guidelines for minimising food-related choking risks, but some may need to make changes to the way they do things to meet the new minimum standards.

The Ministry of Health has drafted the specific guidance for early learning services as part of the Healthy Active Learning Initiative which advises services to exclude or alter high risk food. The advice seeks to balance safety, practicality, nutrition and developmental requirements of children in early learning service settings.

Consultation ended on 15 November. We are considering the feedback received before final decisions are made.

### **Your request**

I am refusing **questions 1A, 2A, 2B, 3A, 3B and 3C** under section 18(e) of the Act, as the information requested does not exist, as:

- we do not hold information about immunisation rates among early childhood education staff
- we do not require early learning services to provide information about the medical status of individual children;

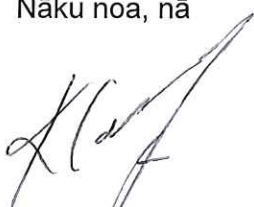
- we have not undertaken any public awareness campaign specifically on the subject of immunisation, aimed at the early childhood sector workforce; and
- we have not undertaken any research into the relative health risks of unimmunised adults, whooping cough, measles or the consumption of small food.

In **questions 1B** and **2C**, you asked why we do not collect the information you have requested. The Ministry does not have a statutory mandate to collect health information about early learning sector staff, and does not perform any functions that would require or warrant the collection of information about their immunisation status. Please note, however, that we are able to provide any information that we do hold to agencies with a public health function where there is a serious, severe or likely threat to public health, in line with Privacy Principle 11 of the Privacy Act 1993.

Thank you again for your request. Under section 28(3), you have the right to refer this response to an Ombudsman. You can do this by emailing [info@ombudsman.parliament.govt.nz](mailto:info@ombudsman.parliament.govt.nz).

Please note, this response will be published on our website within five days of you receiving it. Your name and contact information will be redacted from the version we publish online.

Nāku noa, nā



Katrina Casey  
**Deputy Secretary**  
**Sector Enablement and Support**