



# 2019 Early Childhood Education Complaints and Incidents Report

This report summarises complaints and incident notifications received by the Ministry of Education (the Ministry) in 2019 about licensed early learning services including kōhanga reo and certificated playgroups (early learning services).

An Early Childhood Education complaint is any communication received by the Ministry from a person who is unhappy, concerned or not satisfied with a situation, process or decision at a licensed early learning service or certificated playgroup. We receive complaints from a range of people, including parents, whānau, early learning staff and members of the community.

We assess each concern we receive<sup>1</sup>, investigate if necessary and act on our findings when intervention is required. We take all complaints seriously and work with the service concerned to ensure children are participating in quality early learning environments. More information on our complaints process for early learning can be found on our [website](#).

We are responsible for ensuring all licensed and certificated services are meeting regulated standards. Managing and responding to complaints and incident notifications is one way we identify that a service may no longer meet the needs of participating children.

This is the first year in which we are reporting separately on licensed early learning services and certificated playgroups. This is because we received complaints and incident notifications at a much lower percentage of playgroups than licensed early learning services. Therefore separating playgroups out provides a more accurate picture of complaints and incidents in the early childhood education sector.

## Licensed Early Learning Services complaints in 2019

In 2019, there were 4,653 licensed early learning services including kōhanga reo operating in New Zealand.<sup>2</sup>

Our licensing criteria require all licensed early learning services to have a complaints procedure in place that is on display for visitors to the service. Most complaints should be able to be resolved directly between the complainant and the early learning service and will not require Ministry intervention.

---

<sup>1</sup> Complaints that haven't yet gone through the service's own complaints process may be resolved by referring the complainant back to the service's process in the first instance. However, if the complainant is not willing to discuss their complaint directly with the service we will take further steps to investigate the complaint.

<sup>2</sup> As of June 2019, based on Early Childhood Education Census 2019 available on [Education Counts](#)

We have no record of number, type and outcome of complaints resolved through services' internal complaints processes. This report only includes complaints that were escalated to the Ministry.

If a complainant is not satisfied with the service's response to their concern, they can complain directly to the Ministry. This can be done anonymously should the complainant wish.

The complaints received in 2019 identified that a small number of services did not meet our expectations for providing children with quality education and care. We have worked with these services to improve quality and implemented a regulatory response where required. A summary of all complaints received in 2019 has been published alongside this report.

### **Complaints received**

In 2019, we received 415 complaints about licensed early learning services including kōhanga reo. These complaints were made in relation to 354 services, or 7.6% of the licensed early learning sector.

The number of complaints decreased by 14 (3%) between 2018 and 2019, but the number of individual services that we received complaints about increased from 344 services in 2018 to 354 in 2019 (3% increase). This represents a slight increase in the percentage of services we received a complaint about from 7.5% to 7.6% in 2019.

### **Complaints investigated**

We assess every complaint to determine whether further investigation is required to address the complainant's concerns.

Children's education, safety and wellbeing are the key drivers of any investigation into a complaint. In 2019, we investigated 89% (370 complaints) of all complaints received.

The remaining 45 complaints (11%) did not require further investigation. These complaints were either:

- referred to the service's complaints procedure and managed directly between the service and complainant;
- resolved by the service provider before an investigation could be undertaken;
- referred to another agency that can most appropriately respond to the complainant's concerns where the complaint was not related to licencing criteria;
- unable to be investigated due to insufficient information from the complainant; or
- withdrawn by the complainant and we were satisfied the complaint did not indicate a risk to the education, safety or wellbeing of participating children.

### **Complaints upheld**

A complaint is upheld when, after investigation, we find that the service did not meet regulated standards or we considered improvement is required in a particular area related to the complaint.

In 2019, we upheld 58% of all complaints investigated (213 individual complaints out of 370 investigated complaints). These 213 upheld complaints related to 191 licensed early learning services, or 4.1% of all services operating in 2019.

The Ministry distinguishes 25 categories of complaints (listed in Table 6 in the Appendix) and complaints can fall into more than one category. Complaints upheld in 2019 were most commonly related to the following categories:

- health and safety – 20% (84) of all complaints received and 32% (69) of complaints upheld;
- management and administration – 21% (88) of complaints received and 28% (60) of upheld complaints;
- supervision – 16% (68) of all complaints received and 16% (34) of complaints upheld;
- behaviour management – 15% (63) of all complaints received and 14% (30) of complaints upheld)and;
- accidents – 17% (72) of complaints received and 12% (25) of complaints upheld.

Following investigation, 157 complaints (42% of complaints investigated) were identified as ‘not upheld’. A complaint is determined as ‘not upheld’ when:

- we could not substantiate the complainant’s concerns throughout the investigation process; and/or
- the issue the complaint related to did not amount to non-compliance with the regulatory requirements.

While our investigation may find that a complaint is ‘not upheld’, many services choose to further strengthen areas of practice to exceed regulated standards. For example, a service may choose to undertake an internal review of relevant policies and procedures, participate in professional learning and development or work with the complainant directly to strengthen relationships.

*Table 1. Total number of complaints received, investigated and upheld between 2013 – 2019<sup>3</sup>*

	2013	2014	2015	2016	2017	2018	2019
Complaints received	246	360	342	331	338	429	415
Complaints investigated	162	205	183	245	296	390	370
Complaints upheld	79	106	104	163	166	220	213

### Responding to complaints

The Ministry can take a range of actions when responding to and managing complaints about licensed early learning services, including:

- providing the service with advice and guidance;

<sup>3</sup> Please note that number from 2013 to 2016 may include a small number of complaints about certificated playgroups. In 2015 to 2019 we had less than five complaints about playgroups per year. No data is available for 2013 and 2014.

- undertaking a review of the service's policies and procedures;
- working with the service to identify areas of improvement to implement within a specified timeframe;
- providing ongoing monitoring and support for the service, including government funded professional learning and development – namely Strengthening Early Learning Opportunities (SELO); and/or
- implementing a regulatory response as detailed below.

Our approach to managing and responding to complaints is informed by the nature and severity of the complaint and whether the service has a history of regulatory non-compliance. In many cases, services will proactively identify steps to address a complainant's concerns and it is not necessary for us to intervene further.

### **Implementing a regulatory response**

When we identify that a licensed service is not meeting one or more regulatory requirements, the service may be placed on a provisional licence or have their licence suspended or cancelled. Situations where we take this approach include concerns for the safety and wellbeing of children, the standard of curriculum and education provided by the service or when a serious allegation is under investigation by another agency.

In 2019, 13% (47 services) of all early learning services that we received a complaint about had their licence amended to provisional, or had their licence suspended or cancelled as a result of one or multiple complaints, or as a consequence of unrelated issues identified during our investigations<sup>4</sup>:

- 41 services were placed on a provisional licence following the receipt of 45 complaints – a service that is placed on a provisional licence must demonstrate compliance with specified conditions within a prescribed timeframe before being returned to a full licence;
- Nine services had their licences suspended following the receipt of 11 complaints; and
- Six services had their licence cancelled as a result of nine complaints.

### **Referrals to other agencies**

In 2019, 71 referrals were made to other agencies in relation to 51 complaints (12% of all complaints received).

Upon receiving a complaint, we make an assessment to determine whether it is necessary to refer the complainant to another agency and/or for us to participate in a multi-agency investigation.

There are clear legal requirements that must be followed when the safety and wellbeing of children may be at risk, which includes notifying the appropriate agencies.

---

<sup>4</sup> Please note a single service can have its licence amended more than once.

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 will investigate a complaint alongside agencies such as:

- WorkSafe New Zealand when there has been a serious injury or accident;
- the New Zealand Police and Oranga Tamariki when children’s safety and wellbeing is at risk; or
- the Teaching Council when professional conduct or competency of a registered and certificated teacher is of concern.

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

### Trends in complaints

In 2019, we received slightly fewer complaints compared to 2018. We investigated 89% (370) of complaints received and upheld 58% (213) of complaints investigated. Overall 51% of complaints were upheld (213 complaints out of 415 received). This is similar to previous reporting years with slight variations within two percentage points.

The number of services that we received a complaint about has increased by ten services or 3% compared to the previous reporting year to 354. However, the number of services with upheld complaints continues to reflect a small proportion of the sector, at 4.1% of all licensed early learning services, compared to 3.8% in 2018 and 3.2% in 2017.

Table 2. Complaints received 2017 – 2019<sup>5</sup>

	2017	2018	2019
Complaints received	338	429	415
Total number of services that received a complaint	285	344	354
Proportion of the sector that received a complaint	6.2%	7.5%	7.6%
Proportion of the sector with an upheld complaint	3.2%	3.8%	4.1%

The trend in reduction in complaints about **health and safety** has continued in 2019 after a peak in 2017. However, it still is the category with the highest number of upheld complaints (69 in total).

The trends in increased complaints related to **employment practices, ratios, supervision and behaviour management** that we reported in 2018 have not continued in 2019.

Complaints about services’ **complaints procedures** which had increased significantly in 2018 remained at the same level as in 2018. But the number of upheld complaints in this category has dropped by 24% from 25 in 2018 to 19 in 2019.

<sup>5</sup> Note that in 2016, and earlier years, we did not report on the total number of services that received a complaint.

The trend in increased complaints about **abuse and neglect** we reported for 2018 has not continued in 2019.

- The total numbers of received complaints have dropped from 58 to 54. We investigated all but one complaint<sup>6</sup> and upheld only five complaints for this category.
- Out of the remaining 48 investigated complaints in this category, we upheld 29 against other categories – most often health and safety, management and administration and complaints procedure. We amended the licence of 13 of these services or 24% of services with complaints in this category.
- We often found that quality of communications, especially around expectation setting between the service and the parents, has led to the complaint about alleged abuse or neglect.

The number of complaints regarding **privacy** concerns has increased significantly in 2019 although the total number of complaints is still low at 19 received and 8 upheld. These complaints are often about sharing of photos of children with people outside the service or on social media and inappropriate disposing of private information about children, highlighting this as an area for further guidance for service providers.

### Licensed Early Learning Services incident notifications in 2019

Licensed early learning services are required to notify specified agencies, such as WorkSafe New Zealand, New Zealand Police and Oranga Tamariki when a serious injury, illness or incident involving a child has occurred. Our licensing criteria require services to notify us of these incidents at the same time. This requirement was introduced from May 2016 for all services<sup>7</sup>. We refer to these incidents as mandatory incident notifications.

All services must have a documented process for responding to incidents and illnesses, and they must check their premises and facilities each day for potential hazards.

Many early learning services also choose to voluntarily notify us of other incidents that have occurred when children are present at the service, when they require support with a particular situation or wish to keep us informed of events that have occurred at the service. We refer to these as voluntary incident notifications.

We encourage all services to contact us should they require support or advice when managing and responding to an incident.

We assess all incident notifications received, investigate further and/or notify other agencies if necessary and act on our findings if intervention is required.

A summary of all incident notifications received in 2019 has been published alongside this report.

In 2019, we received 465 incident notifications from 379 licensed early learning services, or 8.1% of the sector.

As per previous reporting years, the incident notifications we received in 2019 included a mixture of voluntary and mandatory notifications. We received 217

---

<sup>6</sup> One complaint was withdrawn by the complainant without providing details of the alleged abuse or neglect that would have allowed us to investigate.

<sup>7</sup> 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.

mandatory notifications (47% of all incidents) that required notification to another agency<sup>8</sup>.

### **Responding to incidents**

Often incident notifications don't require any further involvement from the Ministry. In some instances, we may need to investigate an incident to determine whether the service is continuing to meet licensing requirements. In other cases it may be more appropriate for us to contribute to an investigation being led by another organisation.

Like complaints, we respond to incident notifications in a number of ways, including:

- requiring the service to provide 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 to determine if there was non-compliance in relation to the incident which may lead to implementation of regulatory response, and/or
- in case of traumatic events, the Ministry's Traumatic Incident team will visit and support the service to continue operating.

### **Regulatory response**

Further action is required when, following investigation, we determine that regulated standards have not been met by the service. A service's licence can be amended to provisional, suspended or cancelled as a result of an incident investigation.

Of all services that notified us of an incident in 2019<sup>9</sup> <sup>10</sup>:

- 12 services (3%) had their licence amended to provisional;
- Two services (0.5%) had their licence suspended; and
- Two services (0.5%) had their licence cancelled.

### **Trends in incident notifications**

Incident notifications can cover a range of events that may occur at an early learning service that relate to children, staff and other adults. For example, an outbreak of illness, children leaving the premise unattended, accidents, concerning behaviour of children or services reacting to misconduct of their teaching staff.

The trend in increased numbers of incident notifications has continued in 2019. We received a total of 465 incidents, up by 49% from last year. These notifications were made by 379 services or 8.1% of the sector, up from 5.9% in 2018.

The significant increase in incident notifications over the last two years would indicate that this is largely attributable to increased reporting and does not represent a drastic increase in incidents at early learning services since 2017.

---

<sup>8</sup> Note, not all incidents referred to other agencies in 2019 met the relevant agency's threshold for notification.

<sup>9</sup> Please note that this includes service that had their licence amended due to breaches that were not related to the incident but identified during the visit to investigate an incident.

<sup>10</sup> Please note a single service can have its licence amended more than once.

The proportion of voluntary incident notification has increased slightly from 52% (165 notifications) in 2018 to 53% (248 notifications) in 2019.

About 6% (27) of incident notifications in 2019 were related to the measles outbreaks in the first half of the year and notifications to **health authorities** has overall increased by a factor of over 2.5 to a total of 56 in 2019<sup>11</sup>.

We have also seen a significant increase in the number of notifications to **WorkSafe New Zealand** (a total of 83 incidents, up by 69% from 2018). However, 28% (23) of these notifications didn't meet WorkSafe's criteria for notifiable incidents and therefore wouldn't have required notification to the Ministry either. We will work with the sector to clarify requirements for notification of other agencies.

We also received an increasing number of voluntary incident notifications related to injuries of a less serious nature.

18 injury notifications were regarding children's fingers being caught in doors, a noticeable increase on previous years. We will highlight this as a focus area to services to consider in their hazard identification and mitigation.

There is an apparent trend for services to notify agencies earlier when concern is expressed about the behaviour of a teacher. This is a shift from only notifying the Teaching Council, and the Ministry, after the service has completed their investigation and confirmed problems with the teacher's conduct or competency. This means the notifications may not meet the threshold for further follow up from these agencies.

Notifications to **Oranga Tamariki and New Zealand Police** have slightly decreased as a proportion of the incident notifications in 2019.

We will continue to monitor incident notification trends to identify any related work that may be needed to clarify requirements and support the sector when managing and reporting on incidents.

---

<sup>11</sup> Please note that health authorities include Regional Public Health, District Health Boards, and the Ministry of Health.

## **Certificated playgroup complaints and incidents in 2019**

In 2019 there were 818 playgroups<sup>12</sup> in Aotearoa providing parent-led education and care opportunities for children.

We received two complaints about playgroups in 2019 relating to 0.2% of the playgroup sector.

One complaint regarding the playgroup's management of an incident where a child injured another child was not upheld, but the playgroup made improvements to their policies. The second complaint regarding a child leaving the premise was upheld and the issue addressed by the playgroup to our satisfaction.

We also received two incident notifications from playgroups, representing 0.2% of the sector.

One was a voluntary notification regarding a medical event which was appropriately dealt with by the playgroup and no action was required from us. The second incident was a mandatory notification following notification to Oranga Tamariki. We were satisfied with the playgroup's management of the situation and no further action was required.

---

<sup>12</sup> As of 1 July 2019

## Appendices: Data tables for licensed early learning services including kōhanga reo

**Table 3. Complaints received by Ministry of Education region<sup>13</sup>**

Region	Complaints received	Services with complaints received	Total services	% of total services
Tai Tokerau	10	8	216	3.7%
Auckland	132	107	1503	7.1%
Waikato	51	45	461	9.8%
Bay of Plenty / Waiariki	39	33	424	7.8%
Hawke's Bay / Tairāwhiti	31	31	308	10.1%
Taranaki / Whanganui / Manawatu	33	26	319	8.2%
Wellington	33	33	491	6.7%
Nelson / Marlborough / West Coast	11	11	157	7.0%
Canterbury / Chatham Islands	50	39	487	8.0%
Otago / Southland	25	21	286	7.3%
<b>Total</b>	<b>415</b>	<b>354</b>	<b>4652</b>	<b>7.6%</b>

<sup>13</sup> Excludes Te Aho o Te Kura Pounamu – The Correspondence School, which is nationwide.

**Table 4. Complaints upheld by Ministry of Education region<sup>14</sup>**

Region	Complaints upheld	Services with complaints upheld	Total services	% of total services
Tai Tokerau	5	4	216	1.9%
Auckland	66	59	1503	3.9%
Waikato	25	22	461	4.8%
Bay of Plenty / Waiariki	30	26	424	6.1%
Hawke's Bay / Tairāwhiti	14	14	308	4.5%
Taranaki / Whanganui / Manawatu	17	15	319	4.7%
Wellington	21	21	491	4.3%
Nelson / Marlborough / West Coast	3	3	157	1.9%
Canterbury / Chatham Islands	19	15	487	3.1%
Otago / Southland	13	12	286	4.2%
<b>Total</b>	<b>213</b>	<b>191</b>	<b>4652</b>	<b>4.1%</b>

**Table 5. Complaints received by service type**

Service Type	Complaints received	Services with complaints received	Total services	% of total services
Education and care <sup>15</sup>	349	291	2678	10.9%
Home-based	34	32	453	7.1%
Kindergarten	20	20	654	3.1%
Kōhanga reo	11	10	444	2.3%
Playcentre	1	1	403	0.2%
Hospital-based	0	0	20	0.0%
Correspondence School	0	0	1	0.0%
<b>Total</b>	<b>415</b>	<b>354</b>	<b>4653</b>	<b>7.6%</b>

<sup>14</sup> Above.

<sup>15</sup> Education and care refers to teacher-led, centre-based services, excluding kindergartens.

**Table 6. Complaints received<sup>16</sup> and upheld<sup>17</sup> by 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	54	5
Accidents	Allegations of poor accident management procedures, including insufficient reporting of accidents to parents, children injuring each other and accidental injuries suffered by children	72	25
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	2	2
Behaviour management	Allegations of poor behaviour management strategies used by teachers	63	30
Child leaving premises	Allegations of children accidentally leaving a service due to unsecure premises or a lapse in staff supervision	10	8
Complaints procedure	Allegations of dissatisfaction with the service's complaints procedure or the response of a service to a complaint	52	19
Curriculum	Allegations of poor curriculum quality, such as using inappropriate materials or poor implementation of Te Whāriki	29	22
Employment practices	Allegations of wrongful dismissals, poor staff management and poor employment policies	24	4
Enrolments	Allegations of service enrolment policies being unclear, changed with insufficient notice or not meeting the needs of the community	18	0
Exclusions	Allegations of children or caregivers being asked to leave a service with insufficient notice or reason	11	3
Excursions	Allegations of dissatisfaction with excursion procedures, including policies, staffing, communication and hazard mitigation	7	2
Fees	Allegations of overcharging, lack of transparency surrounding fees and subsidies and lack of communication regarding fee changes	38	5

<sup>16</sup> As a complaint can relate to more than one category, the figures in this table do not represent the total number of complaints received in 2019.

<sup>17</sup> A complaint is upheld when, after investigation, it is found that regulated standards have not been met by the service or the Ministry considers improvement is required in a particular area related to the complaint.

Type of complaint	Description	Received	Upheld
Fraud	Allegations of services making fraudulent claims about children's attendance to the Ministry for funding purposes	21	2
Health and safety	Allegations of general problems with health and safety policies and procedures, including hazard management, food policies, child protection policies and smoking	84	69
Hygiene	Allegations of poor hygiene levels including head lice, child illness and cleaning products used	25	9
Learning support	Allegations of staff lacking the skills, experience or resources needed to appropriately respond to the learning support needs of children	19	14
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	60
Noise	Allegations regarding the levels of noise at a service. Generally received from neighbouring homes or businesses	2	1
Premises and facilities	Allegations of problems with the services premises, such as lack of space, lack of heating or unsafe playground equipment	35	24
Privacy	Allegations of children's, parents' or teachers' information being shared without permission	19	8
Ratios	Allegations that there are not enough staff present for the amount of children attending the ECE service	55	8
Supervision	Allegations of insufficient supervision of children attending the service	68	34
Teacher behaviour	Allegations of staff behaving inappropriately, generally towards parents rather than children	19	4
Teacher suitability	Allegations that staff are unsuited to care for children	16	5
Transportation	Allegations of problems with a service's transport arrangements, such as insufficient seating or insufficient supervision on transportation	4	1

The table below shows the number of complaints that resulted in a licensing amendment and the number of individual services that had their licence amended as a result of a complaint.

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

**Table 7. Licensing amendments from complaints**

Licence change	Number of complaints	Number of services
Provisional licence	45	41
Suspended	11	9
Cancelled	9	6
<b>Total</b>	<b>54</b>	<b>47</b>

The table below shows the number of times specified agencies were involved in complaints in 2019. Note some complaints involved more than one agency. Referrals to other agencies were made in regard to a total of 51 complaints.

**Table 8. Complaints referred to another agency**

Agency	Number of referrals
Oranga Tamariki	21
Teaching Council	18
Police	17
WorkSafe	5
Health authorities	4
Ministry of Business Innovation and Employment	4
Privacy Commissioner	1
ITE Provider	0
Local Council	1
<b>Total</b>	<b>71</b>

**Table 9. Incident notifications received by the Ministry of Education<sup>18</sup>**

Region	Incidents received	Services with incident notifications received	Total services	% of total services
Tai Tokerau	15	12	216	5.6%
Auckland	86	74	1503	4.9%
Waikato	70	53	461	11.5%
Bay of Plenty / Waiariki	50	47	424	11.1%
Hawkes Bay / Tairāwhiti	52	41	308	13.3%
Taranaki / Whanganui / Manawatu	41	30	319	9.4%
Wellington	36	29	491	5.9%
Nelson / Marlborough / West Coast	10	10	157	6.4%
Canterbury / Chatham Islands	77	64	487	13.1%
Otago / Southland	28	19	286	6.6%
<b>Total</b>	<b>465</b>	<b>379</b>	<b>4652</b>	<b>8.1%</b>

**Table 10. Incident notifications received by service type**

Service Type	Incidents received	Services with incident notifications received	Total services	% of total services
Education and care <sup>19</sup>	402	320	2678	11.9%
Home-based	21	18	453	4.0%
Kindergarten	35	34	654	5.2%
Kōhanga reo	3	3	444	0.7%
Playcentre	4	4	403	1.0%
Hospital-based	0	0	20	0.0%
Correspondence School	0	0	1	0.0%
<b>Total</b>	<b>465</b>	<b>379</b>	<b>4653</b>	<b>8.1%</b>

<sup>18</sup> Excludes Te Aho o Te Kura Pounamu – The Correspondence School.

<sup>19</sup> Education and care refers to teacher-led, centre-based services, excluding kindergartens.

The table below shows the number of incident notifications that resulted in a licensing amendment in 2019.

**Table 11. Licensing amendments from incident notifications**

Licence change	Number of incidents	Number of services
Provisional	15	12
Suspended	1	1
Cancelled	1	1
Suspended and consequently cancelled	1	1
<b>Total</b>	<b>18</b>	<b>15</b>

**Table 12. Incident notifications referred to another agency**

Agency Notified	Number of referrals
WorkSafe	83
Oranga Tamariki	79
NZ Police	57
Health authorities	56
Teaching Council	46
Local Council	2
ITE provider	1
Fire and Emergency NZ	2
<b>Total<sup>20</sup></b>	<b>326</b>

<sup>20</sup> A single incident may result in referrals to multiple agencies.