



28 January 2020

Susan Bates

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Tēnā koe Susan

Thank you for writing to the Ministry of Education on 12 December 2019 to request information about proposed changes to the licensing and certification criteria for early learning services. On 18 December 2019, you confirmed that you are seeking the following information from the Ministry:

- *The Ministry of Education's rationale for the proposed amendments to the licensing and certification criteria, to minimise the risk of young people choking on food.*

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

Nothing is more important than the safety and well-being of children. Children aged under five are at a higher risk of choking because they have small air and food passages and are still developing their biting, chewing and food-grinding skills.

The licensing and certification criteria for early learning services currently require children to be supervised while eating and links to Ministry of Health guidance on minimising the risk of choking.

Following an incident at a service that left a child with serious and permanent brain injuries after choking on a piece of apple during a supervised meal break, the Secretary for Education, Iona Holsted met the child's family to listen to their concerns.

Following that meeting, and in light of a WorkSafe review which agreed that a more conservative approach was required in dealing with younger children, we recognised the need to review the criteria around the preparation and serving of food at early learning services.

We are considering making 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.

Through consultation with sector representatives, further changes have been identified to minimise food-related choking risk in early learning services. The proposed changes consider three key areas - the physical environment when eating, first aid and appropriate food.

Thank you again for your request. Section 28(3) of the Act gives you the right to refer my response to an Ombudsman for review. You can find more information about this process by emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Nāku noa, nā



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