

Out of scope

From: 9(2)(a)

Sent: Wednesday, February 21, 2024 3:25 PM

To: Anya Zohrab <xxxx.xxxxxx@xxxxxxxxxxx.xxx.xx>

Subject: RE: Link

Hi Anya,

Here are some examples below of services either being downgraded or under consideration for downgrade:

- Teacher qualifications were photocopied in black and white instead of in colour.
- A Persons Responsible was asked to come out of the classroom by the Ministry for a meeting, then the Ministry said the service was out of ratio.
- A single cat poo in the sandpit
- Basic play boxes on the bark needed to be reviewed against the “user manual” because there was too much bark near the bottom.
- A thermometer was not close enough to the ground to check the room temperature, despite the room registering as suitably warm enough when it was repositioned.
- Ministry said the Persons Responsible details weren’t displayed on the wall when, in fact, they were.
- A plumber coming to urgently fix a broken pipe hadn’t been police vetted despite them being fully supervised the entire time.
- A first aid sign was incorrectly displayed beside the door instead of above it.
- A first aid policy was criticized by one regional MoE office, the policy was rewritten by the former head of a NZ medical school, was approved for use by a different regional MoE office but still unapproved by the original regional office who criticised it. One word was changed in the policy and the original office finally approved it for use.
- Safety check evidence was dated one day after the finalised safety form was completed.

One of the major reasons for downgrades is police safety checking breaches. One incorrect date can be all it takes for a service to be downgraded. Services are being failed even if all the evidence is there to prove the person is safe to be around children. Downgrades are issued if one piece of documentation (such as a photocopy of the qualifications) was not signed and dated prior to the finalised safety form being marked as completed. The MoE gives no leigh way at all in respect to this despite the person having met all the vetting requirements and is determined as safe to be around children. So the Ministry is simply imposing downgrades for minor administrative errors.

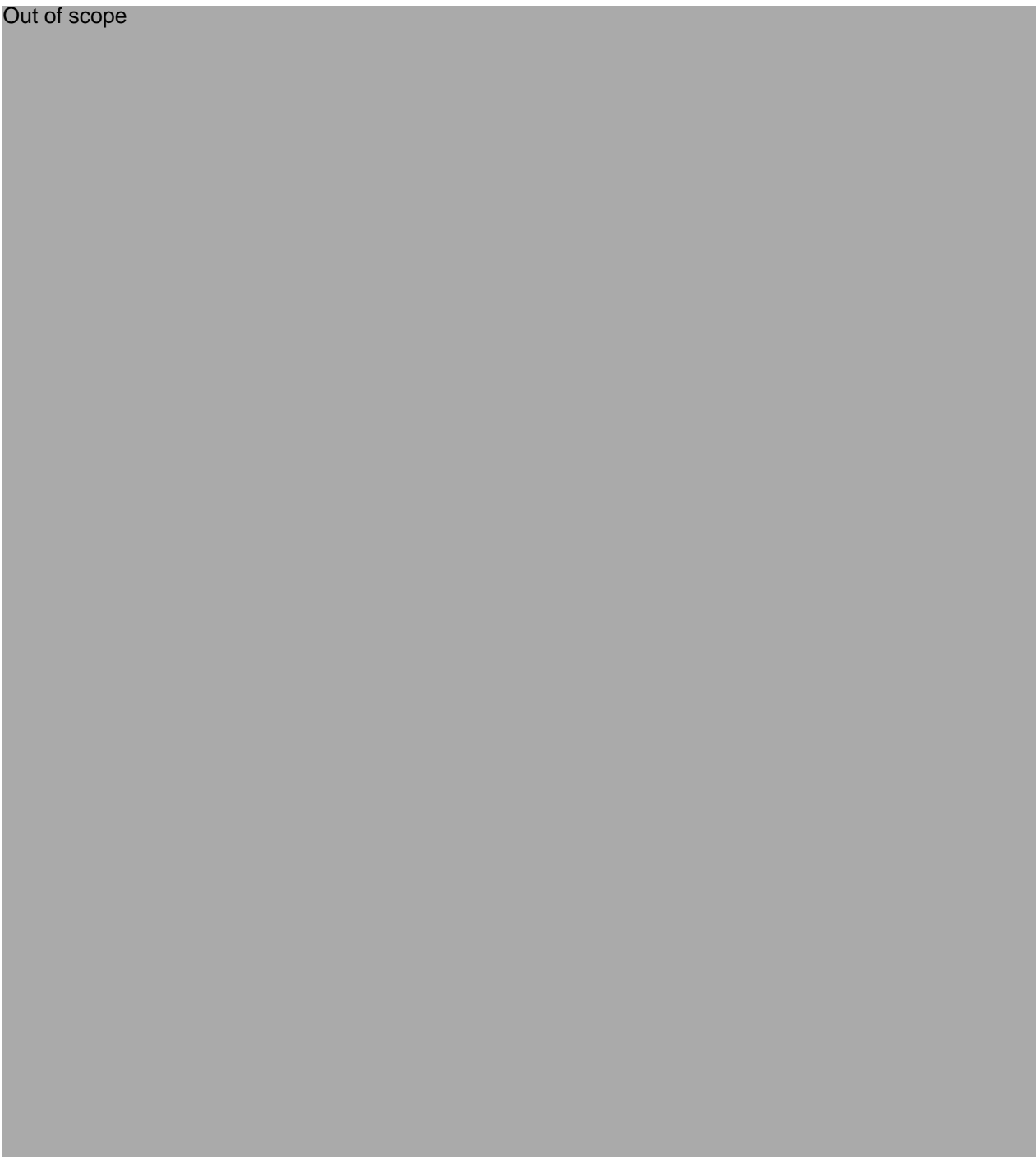
Whilst given as a recommendation and not seen as a breach, a recent MoE visit to a provider strongly recommended they have a title page before their contents page in their policies and procedures. This was clearly in a labelled folder.

Serious breaches of H&S should be dealt with and our sector supports downgrades for services where there are serious issues, such as a child escaping or poor supervision. These needs to be investigated to review how it happened and ensure it doesn't happen again. Downgrades should be saved for incidents of this nature. A minor issue, like a cat poo, would be detailed on a report only as a Health and Safety breach as would a very serious equipment failure that could hurt a child. There is no distinction from which parents can make informed choices about whether the issue is serious or not.

I hope this is helpful. Feel free to call if you want further clarification or information.

9(2)(a)

Out of scope



Document 2

From: 9(2)(a)
To: [PARLIAMENT -](#)
Subject: Apple Tree/ Train Noise
Date: Wednesday, 13 March 2024 11:03:31 am
Attachments: [image001.png](#)
[Hazard Chart OUTSIDE.docx](#)
9(2)(b)(ii) [Risk Register 1.docx](#)

Morning Anja,

As discussed we had a phone call from the CHCH MOE last year regarding a customer complaint.

They gave us 2 days notice of their visit, 3 MOE officers came into our centre like a hurricane and went through pretty much a full licencing checklist.

1. I have correspondence if you require asking for a copy of the complaint
2. I conducted an OIA but no result
3. Still to this day I have not seen a copy of the complaint
4. Guessing it was from a former employee or misguided parent – who knows
5. As a result I have instructed all 3 of my centres not to contact the MOE regarding any issues for assistance, we will just work it out

Anyway apart from all the stress and workload this created, two of the most ridiculous suggestions came out of the lead investigator:

1. You require a hazard management plan for your apple tree in the pre-school (2-5 year olds)
2. You will need to add this to a risk register (see attached Fruit trees and Falling fruit)
3. You should contact the railways and ask them not to honk their horn (simply I am not doing this)
4. So we had to add this to the risk register under train noise
5. If I failed to add the above – this would have serious implications with the MOE
6. The hazard chart outside – refers also to objects and other debris on the ground (namely apples – oh rotten apples- this was added)

We have a window in the playground where the children run to see the approaching train – the kids love it – the train driver honks his horn – how cool is this for the children

Oh I forgot I have another beauty I recall I will email you later, common sense has been forgotten by MOE now.

9(2)(a)

9(2)(b)(ii)



Disclaimer: - The information in this electronic mail message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this Internet electronic mail message by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it is prohibited and may be unlawful. If you have received it in error, would you please contact the sender immediately by return e-mail. When addressed to the clients of 9(2)(b)(iii) the opinions or advice contained in this Internet electronic mail message are subject to the terms and conditions of engagement.

nions or advice contained in this Internet electronic mail message are subject to the terms and conditions of engagement.

9(2)(b)(ii)



9(2)(b)(ii)

Risk Register

The contents of this risk register will be reviewed three monthly

Reviewed	Name and Signature	Reviewed	Signed
27/03/2023	9(2)(a)	End march 2024	
24/06/2023	9(2)(a)		
24/09/2023	9(2)(a)		
28/12/2023	9(2)(a)		

Hazard Identification		Risk assessment			Control Method			Review	
Hazard	Description of likely injury/illness or issue	Likelihood of injury or illness	Consequence	Risk rating	Eliminate, Minimise, Other control	How the control will be put into place	By whom By when	Review date	Control effective? Further Control Needed?
Administration									
Interaction with hostile parents	Possible stress and/or physical harm	Rare	Moderate	Moderate	Minimise by administrative controls (policies etc)	Have a procedure Staff training	All staff Ongoing	Annual and after incidents	
Working with Children/Professional Duties									
High noise levels	Potential hearing damage, stress, headaches	Likely	Moderate	High	Minimise by administrative	Monitor noise levels	All staff Ongoing		
Indoor									
Kitchen access	Dangerous objects in the kitchen	Unlikely	Moderate	Moderate	Minimise	Safety lock Door to be kept closed Children to be kept back when the trolleys come out	All Staff Ongoing	Annual After incident	
Storage of resources	Hit by falling objects	Unlikely	Minor	Moderate	Eliminate	Ensure no frequently use objects are stacked or stored above head height	All Staff Ongoing	Daily Hazard check After incident	
Large shelving	Potential to fall in EQ	Likely	High	High	Eliminate	Tall shelving attached to walls	All staff Ongoing	Monthly check Recheck if there is a significant EQ	
Wet flooring	Potential to slip	Likely	Moderate	Moderate	Minimise	Wet floor signage put out	All staff Ongoing	Daily Hazard check	

Toys on the floor	Potential to trip	Likely	Moderate	Moderate	Minimise	Encourage children to clean up after playing	All Staff Ongoing	Checking throughout day After incident.	
Broken toys	Potential to hurt children	Unlikely	Minimal	Minimal	Eliminate	If a toy is broken it is removed. If it is able to be fixed it can be added to the maintenance list. If it is beyond repair it is thrown away	All Staff Ongoing	Daily hazard check Condition to be checked when cleaning	
Medications	Poisoning	Unlikely	Severe	Severe	Eliminate	Medication is to be kept in locked cupboards out of reach, or in the kitchen fridge	All Staff Ongoing	Medication forms Annual If there is an incident	
Electricity	Electric shock	Unlikely	Severe	Severe	Eliminate	All sockets must have a protector. No trailing cords hanging where children could pull on them	All Staff Ongoing	Daily Hazard Check	
Outdoor									
Fruit Trees – Fruit falling	Sickness from rotten fruit, potential to choke on fruit	Likely	Moderate	Moderate	Minimise	Fruit to be picked up at the start of the day and checked regularly	All staff Ongoing	Daily Hazard Check If any incidents	
Fruit Trees - branches	Branches could fall	Unlikely	Moderate	Moderate	Minimise	Branches to be trimmed regularly and checked for any broken pieces	All staff Ongoing	Daily Hazard Check If any incidents After severe weather	
Fort	Nails, Broken pieces	Unlikely	High	High	Minimise	Check for loose nails, any broken wood or soft parts	All staff Ongoing	Daily Hazard Check	
Sandpit surround	Tripping hazard	Unlikely	Moderate	Moderate	Minimise	Check for soft spots	All Staff Ongoing	Daily hazard check	

Playground equipment	Items deteriorating	Likely (over time)	Moderate	Moderate	Minimise	Check over all equipment	All staff Ongoing	Daily Hazard check	
Emergency Exit Gate	Clear and easy to open	Unlikely (to be blocked)	Severe	Severe	Eliminate	Check every day for accessibility and that the gate is able to be opened	All staff	Daily Hazard Check Fire safety daily check	
Garden	Bee stings/insect bites	Likely	Moderate	Moderate	Minimise	Flowers that are attracting bees to be removed	All staff Ongoing	Daily Hazard Check	
Train Noise	Stress from getting a fright	Likely	Minimal	Minimal	Minimise	Call Kiwirail and remind them that the horn is meant to be done closer to the crossing	All Staff Admin Ongoing	After incident	
Hose	Tripping hazard	Unlikely	Moderate	Moderate	Minimise	Hose is to be kept coiled by the tap	All staff Ongoing	Daily check If there is an incident	
Health and Hygiene Management									
Use of cleaning products	Skin burns Poisoning	Rare	Major	Significant	Minimise	Locked away when not in use wear gloves/PPE don't spray near staff or children clear labels	All staff Ongoing	Daily Hazard Check	
Soiled Nappies	Illness from exposure	Rare	Minor to moderate	Minor	Minimise	Use of Diaper Genie rubbish bin to isolate nappies. Cloth nappies to go in a closing bag provided by family. Rubbish bags removed	All staff Ongoing Cleaners	Cleaners remove rubbish Daily hazard check	
Rubbish Bins	Illness from exposure	Rare	Minor to moderate	Minor	Minimise	Rubbish bins are to be emptied daily or more if needed. Sharp objects to go in box in kitchen. Cleaners remove rubbish.	All staff Ongoing Cleaners	Cleaners remove rubbish Staff monitor rubbish daily Review if an incident occurs	

Emergency Management									
Flood	Flooding to centre	Unlikely	Major	Major	Minimise	Have a procedure that staff are familiar with	All Staff Ongoing		
Earthquake	Earthquake	Rare	Major	Major	Minimise	Have a procedure everyone is familiar with (undertake drills)	All Staff Ongoing	Drills to be taken out at least three monthly	
Train Derailment	Train crashing into centre	Rare	Major	Major	Minimise	Have a procedure everyone is familiar with (drill can be done with fire drill)	All Staff Ongoing	Drills to be taken out at least three monthly	
Train Chemical Spill	Train spilling chemicals near centre	Rare	Major	Major	Minimise	Have a procedure everyone is familiar with (undertake drills – can be done with shelter in place or fire drill depending on case)	All Staff Ongoing	Combined with the drills taken out three monthly	
Tsunami	Tsunami damage to centre	Unlikely	Major	Major	Minimise	Have a procedure everyone is familiar with	All Staff Ongoing	Policy reviews	
Fire	Fire damage to centre	Unlikely	Major	Major	Minimise	Have a procedure everyone is familiar with (undertake drills)	All Staff Ongoing	Drills to be taken out three monthly	
Intruder	Unsafe to children	Unlikely	Major	Major	Minimise	Door key entry Staff to only open door from rooms when they can see who is at the door Shelter in place drills	All Staff Ongoing	Drills to be taken out at least three monthly for shelter in place	
Facilities/Property Management									
Emergency Exits	Inaccessible	Unlikely	Severe	Severe	Eliminate	Exits are always kept clear	All Staff Centre Manager Ongoing	Daily Hazard Check Daily Fire Check	

Food Preparation									
Food Hygiene	Food poisoning	Unlikely	Moderate	Moderate	Minimise	Food safety guidelines in place	Cook All Staff Ongoing	Daily Cook's checklists	
Staff Sickness	Sharing sickness	Unlikely	Moderate	Moderate	Minimise	Staff who are unwell are not to serve food. Certain illnesses have times to be away (48 hours after last motion or vomit, covid isolation etc)	All Staff Ongoing	Staff illness form	
Offsite									
Excursions Café	Children running into car park	Rare	Major	Major	Minimise	Ratios for an excursion. Procedures for supervision. Safety brief with children before leaving	All Excursion staff (worked out in advance) Ongoing	Post excursion	
Excursions Café	Objects easier to access than in centre	Unlikely	Major	Major	Minimise	Ratios for an excursion. Procedures for supervision. Safety brief with children before leaving			