

Web content – complaints in early learning

This page provides information about what you can expect from the Ministry of Education when a complaint is made about a licensed or certificated early learning service.

As the government agency responsible for licensing, monitoring and funding early learning services, one of the Ministry's roles is to ensure that all licensed and certificated services are meeting regulatory requirements. Complaints are one way we may identify that an early learning service is not meeting regulated standards.

What is a complaint?

A complaint is any communication where a person or whānau is unhappy, concerned or not satisfied with a situation, process or decision at an early learning service. A complainant may be a current or past parent of the service, a current or past staff member or a member of the public.

All early learning services must have a complaints procedure

It is important that parents and whānau feel heard by their child's early learning service and have opportunities to play an active role in their child's education and care. All early learning services have a responsibility to ensure parents and whānau have the information they need should they wish to make a complaint.

All services are required to display their complaints procedure so it can be viewed by parents, whānau and visitors to the service. This must include the contact details of the service's local Ministry of Education office.

[GMA1 Display of information - centre-based licensing criteria](#)

[GMA1 Parent access to information - home-based licensing criteria](#)

[GMA1 Display of information - kōhanga reo licensing criteria](#)

[GMA1 Display of information - hospital-based licensing criteria](#)

Parents and whānau who wish to complain about an early learning service are encouraged to follow the service's complaints procedure in the first instance. Most complaints are resolved this way and do not require Ministry intervention. See our Parent's website for more information about making a complaint.

[Parent's website](#)

Lodging a complaint with the Ministry of Education

Any person who is concerned or unsatisfied with a situation, process or decision at an early learning service can complain to the Ministry.

All complaints received by the Ministry are assessed to determine the most appropriate course of action and whether the service could be in breach of regulated standards. Upon receiving a complaint Ministry staff will:

- acknowledge the complaint within two working days;

- confirm whether the complainant has followed the service's complaints procedure;
- assess the level of risk associated with the complaint; and
- determine whether further action is required by the Ministry.

Teachers and other early learning staff can complain directly to the Ministry if they have concerns about an early learning service that may not be meeting regulated standards and these concerns cannot be resolved directly with the service provider.

The Ministry requires all licensed early learning services to have suitable human resource management practices in place. However, complaints related specifically to resolving employment disputes may require action by another agency. For further information about managing employment disputes, see the Labour Inspectorate website.

[Labour Inspectorate](#)

Assessing risk and determining whether further action is required

The Ministry assesses all complaints to determine possible impacts on children's education and any risks to child health, safety and wellbeing.

Any complaint that indicates a serious risk to child health, safety and wellbeing will be investigated immediately by Ministry staff. This may result in:

- a service being issued with a provisional licence under [regulation 15\(1\)\(c\) of the Education \(Early Childhood Services\) Regulations 2008](#) while an investigation is undertaken or;
- the service's licence being suspended under [regulation 30 of the Education \(Early Childhood Services\) Regulations 2008](#) where a serious risk to child health and safety is evident.

Some complaints will require investigation by another agency. When this occurs, Ministry staff will let the complainant know that another agency's involvement is required and clarify whether the Ministry has an ongoing role in resolving the complaint.

What to expect when a complaint is investigated by the Ministry

Children's education, health, safety and wellbeing are the key drivers of any investigation. An investigation into a complaint can involve one or a combination of the following:

- a review of relevant policies and procedures and records to ensure compliance with regulatory requirements,
- observation of teaching practice,
- a visit to the service – this may be announced or unannounced, as enabled under [section 319B of the Education Act 1989](#),
- participating in a multi-agency investigation.

Ministry staff will first engage with the service provider contact person when a complaint has been received that requires investigation.

We recognise it is important to provide as much detail as possible about the complaint to the service provider to enable prompt resolution of any concerns. However, we also appreciate that complainants are not always comfortable in being identified and are able to request that their complaint is treated confidentially.

All investigations are designed to address concerns raised from each complaint and reflect the Ministry's role as regulator of the early learning sector. The complainant will be advised in writing that the Ministry is investigating their complaint.

Maintaining complainant confidentiality

As noted above, a complainant may request that their complaint is treated in confidence and wish to remain anonymous to the early learning service.

Ministry staff will endeavour to provide the service provider with as much detail as possible about the complaint to support resolution while ensuring the complainant's confidentiality is respected and maintained.

Ministry visits to services

The Ministry may need to visit a service while investigating a complaint.

Under the Education Act 1989, authorised Ministry officials can enter and inspect licensed or certificated premises to ensure regulated standards are being met by the service provider.

This may include reviewing the service's documentation and observing children who are present and participating in the service's programme. Visits may be announced or unannounced.

Announced visits

The majority of visits undertaken by the Ministry when following up a complaint are planned and arranged via the service provider's contact person. Ministry staff connect directly with the service provider's contact person as early as possible to outline the complaint and organise a visit to the service.

Unannounced visits

An unannounced visit to an early learning service may be necessary as part of an investigation into a complaint.

Ministry staff are likely to conduct an unannounced visit when the complaint requires observation of practice and/or the complainant raises serious concerns about children's health and safety. All unannounced visits are approved by a delegated Ministry manager.

We understand unannounced visits can be unsettling for staff. However, when there is a possibility that children may be at risk this must take priority over our usual courtesies.

When an unannounced visit takes place, Ministry staff will:

- introduce themselves to the person responsible and explain why they are there and,

- provide evidence of their authorisation to enter the premises – this is located on the back of each official's ID card.

During the visit, Ministry staff may ask the person responsible or another staff member for further information to help inform their observations. Ministry staff may also observe children present at the service.

At the conclusion of any visit, Ministry staff will ensure the person responsible is made aware of their departure.

Following any visit, Ministry staff will engage directly with the service provider's contact person in writing to communicate next steps and outline any requirements the service provider needs to meet.

Multi-agency investigations

There may be times when another agency, such as the New Zealand Police or the Teaching Council needs to conduct their own investigation in relation to a complaint. This is because each agency has separate legislation they are responsible for enforcing.

When a multi-agency investigation is required, Ministry of Education staff will inform the complainant and clarify with the early learning service:

- the purpose of their investigation and area of responsibility;
- how information will be shared between agencies and complainant privacy protected; and
- any agreed actions decided between all agencies involved.

Upholding a complaint

A complaint is upheld if, after investigation, it is found that either:

- regulated standards have not been met and/or
- improvement is required in any area related to the complaint.

When it is identified that a service is failing to meet one or more regulatory requirements, the service may be required to complete an action plan or be placed on a provisional licence. In more serious cases, this may result in the service having their licence suspended or cancelled.

An investigation will be closed when the Ministry is satisfied that:

- areas of non-compliance related to the complaint have been rectified; or
- the investigation finds no evidence of regulatory non-compliance.

In the case of a multi-agency investigation, the Ministry may need to first await the outcome of another agency's investigation before the complaint can be closed. Ministry staff will provide further information about this process as required.

The Ministry will inform the early learning service and complainant of the investigation outcome.

When other issues are identified during an investigation

Additional areas of non-compliance may be identified by Ministry staff during an investigation into a complaint.

The Ministry is obligated to follow up on all regulatory breaches identified during an investigation, not just those associated with the complaint itself. It is the responsibility of every licensed early learning service and certificated playgroup to comply with all regulated standards to obtain and maintain a licence.

Should Ministry staff identify additional areas of non-compliance while investigating a complaint, the service may be:

- issued with an action plan to strengthen areas of practice;
- placed on a provisional licence and required to rectify areas of non-compliance within a specified timeframe; or
- have their licence suspended or cancelled in serious cases of non-compliance.

Ministry staff will provide further information about a change to a service's licence status should this arise.

Reviewing the outcome of a Ministry investigation

If an early learning service or complainant is not happy with how a complaint or visit to their service has been managed, the service or complainant can raise their concerns with the Education Manager at their local Ministry of Education office. This may be escalated to a Director of Education if required.

[Local Ministry of Education office](#)

Should a service or complainant continue to be unsatisfied with the Ministry's response, a formal complaint may be lodged with the Office of the Ombudsman.

[Office of the Ombudsman.](#)

The Ministry is currently reviewing our wider complaint management framework, which provides additional information if a person is unhappy with how Ministry staff have managed or responded to a concern.

A link to the wider complaint management framework will be provided on this page when the review has been completed.