



22 NOV 2018

Dear [REDACTED]

Thank you for your email of 20 September 2018 to the Ministry of Education requesting the following information:

1. *Copies of all licensing applications, assessments and checklists since its [Little Lights Kindy] first application to be licensed.*
2. *Copies of each and every record of measurement of indoor activity area space at the Little Lights Kindy and the date, showing whether or not the measurement of indoor activity space included the use of mezzanine floors for children's activities and sleep.*
3. *When and for what reason or reasons did the Ministry of Education first become aware that mezzanine floors were used for children's activities and sleep?*

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

1. **Copies of all licensing applications, assessments and checklists since its first application to be licensed.**

I am refusing this part of your request under section 18(f) of the Act as the requested information cannot be made available without substantial collation and research.

There are potentially hundreds of documents in scope of part one of your request and the time required to locate and collate these documents would impact significantly on the operations of the Ministry in taking staff away from their core role of supporting Early Childhood Education services.

We have considered whether extending the timeframe would remove the reasons for refusing this part of your request, and on balance we do not believe this would enable us to process the request.

2. **Copies of each and every record of measurement of indoor activity area space at the Little Lights Kindy and the date, showing whether or not the measurement of indoor activity space included the use of mezzanine floors for children's activities and sleep.**

We have identified two documents within the scope of this part of your request. These are attached as **Appendix one**.

Some names have been withheld under section 9(2)(a) of the Act to protect the privacy of individuals.

3. When and for what reason or reasons did the Ministry of Education first become aware that mezzanine floors were used for children's activities and sleep?

On 19 March 2015 we became aware that the mezzanine floor was being used for sleep when we were undertook a licensing assessment visit.

We instructed the service to take immediate steps to ensure a compliant sleep space. Detailed information about this is located within **Appendix one**.

If you are unsatisfied with my response, you have the right to ask an Ombudsman to review it. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Katrina Casey
Deputy Secretary
Sector Enablement and Support

cc Ezra Schuster, Director of Education for Bay of Plenty Waiariki

Licence Status Management

LSM: Little Lights Kindy: Licence Status Management, Service Number: 45041, ID#637935.

☐ ☐

• Action

0. Breach
Logged,
Awaiting
Decision

1. Under Peer
Review

2. At National
Office for
review

3. Peer review
completed

4. Awaiting
approval

5. Monitoring
the non-
compliance

6. Completed

Status: Completed
Lodged By: [Hicks, Aroha](#)
Last Changed By: [Fensom, Vanessa](#)
Start Date: 30-Mar-2015 11:03 AM

ID: 637935
Date Lodged: 30-Mar-2015 4:09 PM
Date Changed: 15-Dec-2016 2:21 PM
Category: Early Childhood

Customer Details

Name: • Little Lights Kindy (Initial Contact)

Organisation: Contact Extensions: Facility
Physical: Email:
ECA No: Fax:
Phone (DDI): Phone (Home):
Cellphone: ProviderID:

Service Details

Service Number: 45041
Local Office: [Rotorua Office](#)
Regulation Year: [2008](#)
Service Provision: [Teacher Led](#)
Licence Class: [All Day](#)
Licence Status at Time of Breach: [Full](#)
Service Type: [Education & Care](#)
Date Received: 26-Mar-2015
Service Information:

Little Lights Kindy is a non-profit Christian based organisation with a license for 50 children including up to 18 children under two years of age. The centre is now under new management of Evolve Group 1 Limited. The Service Provider Contact is

Details of Situation

Type:
Situation Overview:

[Other](#)

A change of management visit occurred 19 March 2015, (SPC) was present. During our walk through the centre we discovered that children in the over two areas were being slept in the loft (a mezzanine floor). There were two mezzanine floors in this area, one is the designated sleep area, and the other was used for supervised activities.

There are 8-10 steps to reach the top of the floor, the staircase is very narrow, and when I reached the third step from the top I had to stop as the roof was so low. There were several children resting supervised by two teachers who were seated on the floor. The protective railing around the floor was covered by curtains to keep the lighting low. This is difficult to supervise the teachers by the persons responsible. Ventilation was not ideal at all even though they had a fan blowing. There was very little space between each mattress. One teacher had to crawl along a narrow space between mattresses to tend to a child because she couldn't stand as the roof was low.

The centre manager advised us that the loft space was utilised for activities and as a sleep space for children. When asked what the

evacuation procedures for the sleep area, the answer was, there is none.

Heavy shelving was not secured to the wall, resources, boxes, and other items were stored on top of the shelving. The bag lockers were arranged in a position that children using the higher lockers could not put their bags in properly and as a result the bags were falling down on children. Suggested stringing a curtain wire across the top shelf or lower the shelf. In the front entrance of the centre there stands a large fish tank that was not secure to the wall.

[Click here to access the Guide to Severity](#)

Severity of Current Situation: [High](#)

Previous History of Non-Compliance: [Yes](#)

Details of Previous History: Little Lights Kindy relocated into a new facility, on the same property, in 2010.

A re-licensing visit was conducted by ministry on 14 January 2010. The mezzanine floors were in the floor plans. The floors may have been used for storage not sleeping at the time of licensing. The operative fire evacuation scheme was approved on 17 February 2010 by NZ Fire Service.

Initial Follow-Up Details:

We, including the SPC, were concerned with the designated sleeping space for that age group. I made contact with the NZ Fire Service, [REDACTED] Fire Risk Management Officer, who checked their application and emailed a copy. The application did not mention or indicate the use of two mezzanine floors [REDACTED] therefore says the operative fire scheme is non compliant. The centre would have to reapply.

s 9(2)(a) OIA

s 9(2)(a) OIA

The service provider had conducted a health and safety check prior to our change of management visit. There was a list of items that the centre manager was asked to complete prior to our visit. The centre manager had not complied to the request of the service provider.

Commitment to Address Issues:

The service provider contact will support the centre manager to reapplying for an approved operative evacuation scheme.

The SPC will review the current sleeping space and relocate the designated sleep area that is compliant.

Impact on Participation:

Possible temporary closure while changes are undertaken.

ERO

ERO History: Last ERO review conducted 17 June 2014 the result was very well placed. ERO conducted a review in 2011 again very well placed.

ERO Key Findings: The 2011 review identified that the centre was now in their new purpose built facility. There was no mention in both reports that children were sleeping in the mezzanine areas or that the areas were used for activities.

Secondary Decision: X

Risk Assessment

Initial assessment of the service's ability to mitigate the risk to children.

Health & Safety Risk Mitigation:

The current sleep area does not meet licensing criteria and is a health and safety risk to both children and staff.

The SPC will be working alongside the Centre Manager to arrange a more conducive and compliant sleep space.

Curriculum Risk Mitigation:

Governance & Management Risk Mitigation: Governance will be required to reapply to the NZ Fire Service for an approved operative evacuation scheme which includes

the two mezzanine floors.

Risk Effectively Mitigated: [No](#)

Intervention Assessment (Click on "New..." button to create a regulation breach)

Remember to SAVE this LSM after adding EACH breach. Click on ICON/PICTURE not the link to see Breach

Create Regulation/Criteria Breaches:

Regulation and/or Criteria Breached	Recommendation	Expected Compliance Date	Condition to be Met
<input type="checkbox"/> Reg 46 HS6: Health and safety practices: CENTRE	Non-Regulatory	30-Jul-2015	All heavy furniture, fixtures and equipment that could fall or topple and cause serious injury or damage must be secured.
<input type="checkbox"/> Reg 46 HS10: Health and safety practices: CENTRE	Non-Regulatory	30-Jul-2015	To relocate the designated sleep space to an area that allows adults to stand and physical check and monitor the children's breathing, an area that has sufficient space between mattresses, an area that allows for a good ventilation to minimise the risks of spreading illnesses.
<input type="checkbox"/> Reg 45 PF12: Premises and facilities: CENTRE	Non-Regulatory	30-Jul-2015	To provide a sleep area that provides good ventilation that allows fresh air to circulate.
<input type="checkbox"/> Reg 45 PF37: Premises and facilities: CENTRE	Regulatory	30-Jul-2015	To provide a designated space that supports the provision of restful sleep for children and its location and design allows for adequate supervision.

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Intervention Recommendation

[Click here to view the Decision Making Flow Chart](#)

Recommendation: [Regulatory](#)

Intervention Type: [Request Action Plan](#)

Instruction: Clearly outline below the decision to Request Action Plan

Rationale of Decision: Although a number of breaches were identified at the CoM visit, Evolve Management took immediate action and amended the H&S and P&F breaches on the action plan within the week. The sleeping of children up on the mezzanine floor (loft) was of concern for me and the SPC. There was no procedure for evacuation sleeping children in an emergency. The centres fire evacuation scheme was approved in 2010.

s 9(2)(a) OIA

Contacted [REDACTED] Risk Management Officer NZFS in regards to my concern. Their 2010 application showed no mezzanine floors being used as sleep areas. [REDACTED] contacted the centre manager and suggested they reapply and must indicate the use of the mezzanine floors for sleeping. The fire service visited the centre to check the floor and was satisfied with the action plan to evacuate. The centres fire evacuation scheme was approved 8 April 2015.

As all breaches were address within the week, the decision was made not to provisionally licence the centre. The other recommendations were carried out well within the agreed timeframe.

Licence Issue Date: 10-Apr-2015

Monitoring

Action/Development Plan Required: ✓

Action/Development Plan Developed: Action plan developed awaiting sign off by SPC.
See attached

Action/Development Plan Received:

SELO Support: [No](#)

Evidence Submitted:

Extension of Breach Compliance Date(s):

Reasons Non-Compliance not Remedied:

Efforts to Address Non-Compliance:

Likelihood of Extension Being Met:

Detail Recommendation on Extension:

Suspensions and Cancellations

[Search by Regulation, Criteria, Description or Service Type. Click for full regulaiton list](#)

Suspended/Cancelled Under Regulation:

Suspension/Cancellation Effective Date:

Additional Comments:

Breach Reminders (Click on "New..." to create a Breach Reminder)

Create a Breach Reminder:

Related Enquiry Logs, File Notes & LSMs

Related Enquiry Logs:	Description	Caller	Issue
No records to display.			

Related File Notes:	Description	Actions Taken	Details of issue and troubleshooting steps taken	Complaint?
No records to display.				

Related LSMs:	Description	Licence Status at Time of Breach	Recommendation
No records to display.			

Related ECE Complaints: [Description](#) [Date Received at MOE](#) [Decision Summary](#)
No records to display.

Attachments

Attachments:	Title Attached	Date Attached	By
□	Approval Letter signed 17-02-10.pdf	30-Mar-2015 04:10 PM	Hicks, Aroha
□	Authorised_Applicant_Notification1.doc	30-Mar-2015 04:10 PM	Hicks, Aroha
□	fire_Form_1_Application_for_scheme_approval.docx	30-Mar-2015 04:10 PM	Hicks, Aroha
□	Little Lights Kindy - Action Plan.docx	31-Mar-2015 09:59 AM	Hicks, Aroha
□	Approved Fire Evacuation Letter from NZ Fire Service.pdf	30-Jun-2015 12:34 PM	Hicks, Aroha
□	Email to COO Evolve Management.pdf	30-Jun-2015 12:34 PM	Hicks, Aroha
□	Fire Action Notice - Little Lights Kindy.pdf	30-Jun-2015 12:34 PM	Hicks, Aroha
□	Little Lights Completed Action Plan (1).pdf	30-Jun-2015 12:34 PM	Hicks, Aroha
□	Little Lights Completed Action Plan.pdf	30-Jun-2015 12:34 PM	Hicks, Aroha
□	Photos - HS6 non compliance completed.pdf	30-Jun-2015 12:34 PM	Hicks, Aroha
□	EV-2015-144153-02-final (1).pdf	02-Nov-2015 04:07 PM	Hicks, Aroha

Related Items

Create Similar Workflow...

Type:

No related items found.

Assignment

Urgency:

Action Officer: [Reihana-Ruka Debra](#)

Escalation 1: [ECE - Information Mailbox \(Group\)](#)

Escalation 2: [Bunker, Cheryl](#)

Escalation 3: [Dimock, Jon](#)

Also Notify: [McClymont, Robyn](#) - [Royal, Gina](#) - [REDACTED]

s 9(2)(a) OIA

Calendar Profile: Weekday, 8am-5pm

Current State: 6. Completed

Action Log

State	Actual Date	Logged By	Details	Collapse All Expand All
0	30-Mar-2015 11:03 AM	Hicks, Aroha	Workflow added, assigned to Hicks, Aroha	
0	31-Mar-2015 7:48 AM	Hicks, Aroha	Progressed to 1. Under Peer Review,	

assigned to Reihana-Ruka, Debra

Kia Ora Debra, could you please peer review this LSM.

Note added

Kia Ora Debra,

Can you just hold up on this LSM and not peer review it, as I've received a phone call from Evolve CEO stating that the non-compliances have been resolved. I'll be visiting the centre to check the alterations, and to see whether the centre has a new operative evacuation scheme.

Aroha mai.

1 1-Apr-2015 12:45 PM [Hicks, Aroha](#)

1 2-Apr-2015 3:07 PM [Reihana-Ruka, Debra](#) *Handoff to Hicks, Aroha*

Kia ora Aroha,

Thanks for e-mail, I wanted to complete this task before the end of this week. I am back at work next Tuesday but on annual leave from next Wednesday 8th April and returning on Tuesday 13th April 2015.

Kia ora Aroha

I thought I would hand off the LSM to you can resolve it if need be, or you need to hand it off to another SA for peer review while I am on leave. Otherwise just handoff the LSM to me again next Tuesday and I will complete the peer review then.

Nga mihi
Debra

Nga mihi
Deb

1 8-Apr-2015 1:25 PM [Hicks, Aroha](#)

Note added

Received a copy of the letter of approval from NZ Fire Service for the centres operative evacuation scheme.

1 8-Apr-2015 1:28 PM [Hicks, Aroha](#)

Note added

s 9(2)(a) OIA

Received a rather abrupt phone call from [REDACTED] Chief Operations Officer for Evolve Education. [REDACTED] was angry that we had progressed towards issuing a provisional licence for this centre. He asked what the ministry's processes were in giving out a provisional licence without consultation.

s 9(2)(a) OIA

s 9(2)(a) OIA

I responded by informing him that my communication had been with the SPC [REDACTED] his reply was, who's that? He asked if we could move the deadline date to 20 June and allow Evolve to complete all of the breaches by the end of April, if they have not met the conditions on the action plan then progress towards issuing a provisional licence. Sent him an email defining the role of the SPC. I suggested that from now on I cc him into any emails.

s 9(2)(a) OIA

I made contact with the Centre Manager [REDACTED] who assured me that the application for a operative fire evacuation scheme has been submitted to NZ Fire Service. The carpenter was due in next week to begin fixing the shelving and fish tank to the walls, and a review of the sleep area has commenced.

s 9(2)(a) OIA

I then contacted [REDACTED] and agreed the allowance of time to make the improvements. I will be visiting the centre once I receive a call from the CM that work has been completed.

1 30-Jun-2015 11:15 AM [Hicks, Aroha](#)

Progressed to 2. At National Office for review, assigned to ECE Information Mailbox (Group)

s 9(2)(a) OIA

Kia ora, after the 12 March 2015, change of management visit to Little Lights Kindy a number of breaches were identified. The SPC, [REDACTED] agreed with the breaches and that a action plan be put in place and the license will be reclassified to 'Provisional'. The centre manage [REDACTED] had been informed of the breaches and the reclassification of the license at the visit. The SPC was to communicate with EVOLVE management on the decision made. [REDACTED] COO for Evolve, contacted [REDACTED] the next day to see how the visit went, she informed him of the breaches and the reclassification of the licence. Immediately, contractors became involved to carry out the work required to become compliant.

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[REDACTED] cm) contacted NZ Fire Service and reapplied online for an approved evacuation scheme that was to include the mezzanine floors, and one is used as a sleep area. NZFS visited the centre and asked that the curtains be removed that surrounded the sleep area and a Fire Action notice be placed at the bottom of the staircase. The evacuation scheme was approved 8 April 2015 (see attached).

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s 9(2)(a) OIA

[REDACTED] contacted me (see above notes and attached email to COO) [REDACTED] sent through photos of the heavy fixtures that were attached securely to the wall including the fish tank. The sleep area on the mezzanine floor was reviewed, with the removal of the curtains the air flow issue was addressed. The mattresses were spaced out to allow for adults to check on sleeping children, rosters changed to allow the children not sleeping to be supervised by another teacher during this time, reducing the number of sleepers in the space.

s 9(2)(a) OIA

Regulatory breaches HS6 & 10 PF 12 & 37 were completed within a two week time frame, the Reg 09 (1) (c) was received 8 April 2015. Therefore all breaches were completed by 8 April 2015.

Happy to take any inquiries.

2 1-Jul-2015 3:22 PM [Hicks, Aroha](#)

Queried to 0. Breach Logged, Awaiting Decision, assigned to Reihana-Ruka, Debra

Kia Ora Debra, could you please peer review this one for me. I have updated the Intervention Recommendations as to the reasons why the decision was made to not provisionally licence the service.

Also attached the completed action plan.

0 15-Jul-2015 9:56 AM [Reihana-Ruka, Debra](#) *Handoff to Hicks, Aroha*

Kia ora Aroha,

Thanks for talking me through what was a very complex situation which you managed with the service provider. I have read all the information which provides the rationale for your recommendation to cancel the provisional licence and agree with the decision as all required actions have been completed and the service is now compliant with the 2008 Regulations.

Please hand back to me and I will forward the LSM to the NO with my recommendation.

0 15-Jul-2015 10:14 AM [Hicks, Aroha](#)

Progressed to 1. Under Peer Review, assigned to Reihana-Ruka, Debra

Thanks, I know it could have become quite confusing if we didn't have the discussion to clarify my reasoning for not issuing a provisional licence.

Cheers thanks for handing it off to NO.

1 15-Jul-2015 10:18 AM [Reihana-Ruka, Debra](#)

Progressed to 2. At National Office for review, assigned to ECE Information Mailbox (Group)

I agree with the rationale provided for the decision not to issue the provisional licence as the SA and I have discussed actions required to be completed to meet compliance. I have also sighted evidence provided against the action plan (attached to the LSM) and am satisfied all actions are completed to meet compliance with the 2008 ECE regulations.

2 16-Jul-2015 9:33 AM



Queried to 0. Breach Logged, Awaiting Decision, assigned to Hicks, Aroha

Thanks for your time on the phone just now.

Here are the points we talked about:

- Can you please obtain and attach a copy of the Fire Evacuation Scheme that has recently been approved? It would be useful to be able to see what has been agreed to.
- You mentioned that the representative from the Fire Service wasn't overly concerned about the narrow staircase. I was wondering if you have a chance to take a photo of the stairs and the mezzanine tomorrow when you are visiting that would be great. I was wondering whether it meets all HS and PF criteria really (e.g. PF2). Are teachers able to safely get children up and down the stairs on a daily basis? Is there a gate or similar at the top of each mezzanine staircase? Can children (especially younger children) independently and safely access the two mezzanines?

I won't be back in the office until next Thursday, so Robyn will likely take care of this LSM for you.

0 16-Jul-2015 9:52 AM



Queried to 0. Breach Logged, Awaiting Decision, assigned to Hicks, Aroha

0 2-Nov-2015 3:59 PM [Hicks, Aroha](#)

Progressed to 1. Under Peer Review, assigned to Reihana-Ruka, Debra

Kia ora Debra,

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s 9(2)(a) OIA

s 9(2)(a) OIA

s 9(2)(a) OIA

Could you please peer review again and send on to NO. Please see [REDACTED] note above. I have attached a copy of their online application to NZ Fire Service for their approved evacuation scheme. The mezzanine floors have been mentioned in the application but not noted as used for sleeping children. The centre is no longer using the floors for sleeping or activities, they are used for storage only with a gate at the bottom of the stairs that stops children from accessing the floor. The children now sleep in a designated quiet space on ground floor.

Cheers

- 1 17-Nov-2016 1:31 PM [Reihana-Ruka, Debra](#) *Queried to 0. Breach Logged, Awaiting Decision, assigned to Reihana-Ruka, Debra*
Resolved.
- 0 17-Nov-2016 1:32 PM [Reihana-Ruka, Debra](#) *Handoff to Reihana-Ruka, Debra*
Resolved.
- 0 14-Dec-2016 6:39 PM [Dew, Christine](#) *Progressed to 1. Under Peer Review, assigned to Fensom, Vanessa*
And another one
- 1 15-Dec-2016 2:20 PM [Fensom, Vanessa](#) *Progressed to 6. Completed, assigned to Reihana-Ruka, Debra*
LSM progressed to Completed as requested by Christine Dew
Vanessa
KBase Admin

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