



Human Rights  
Commission  
Te Kāhui Tika Tangata

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Committee Secretariat  
Education and Science Select Committee  
Parliament Buildings  
WELLINGTON

## **EDUCATION AMENDMENT BILL (NO 2) 2010**

### **Introduction**

The Human Rights Commission welcomes the opportunity to provide comments on the Education Amendment Bill (No 2) 2010.

The Commission's brief submission focuses primarily on Part 1, clause 18 of the Bill which will exempt limited attendance centres (LACs) from early childhood education licensing standards. It highlights concerns that sufficient protections may not remain in place to protect the physical and emotional safety of young children attending such centres.

In addition, this submission supports the Bill's proposals that will extend access to secondary-tertiary programmes.

### **Limited Attendances Centres**

Section 310 of the Education Act 1989 legally defines what is meant by an early childhood education and care centre. Section 310(2) lists those premises which fall outside this definition.

Part 1, clause 18 of the Bill proposes to amend section 310(2) so that LACs would no longer be regulated as early childhood education and care centres. This deregulation would apply to premises that provide care for three or more children under the age of six where:

- no child attends for more than two hours on any day
- a parent or caregiver is in close proximity to the child and able to be contacted and to resume responsibility for the child at short notice.

LACs are predominately based in recreational facilities or shopping centres. The Commission appreciates the value to parents of having access to short-term childcare when visiting a gym or shopping.

The Ministry of Education's Regulatory Impact Statement notes that while a gym or shopping centre will still governed by other regulations (such as health and safety provisions), these are not typically focused on the safety and wellbeing of children. Specifically it states:

There are a range of legislative requirements administered by Government Departments that will impact on LACs and the premises in which they are based. Such legislation generally focuses on adult health and safety, or building and environment safety with few of the regulations designed and used to ensure the safety and wellbeing of children. Few of the regulations administered by other regulatory authorities provide for proactive inspections or audits.

The Commission is concerned due regard does not appear to have been given to the vulnerability of babies, infants and young children attending LACs and the steps required to ensure their physical and emotional safety and wellbeing.

It is our understanding that the Ministry of Education's monitoring role in respect to LACs will be reactive, rather than proactive, and confined to instances where a LAC is operating outside the specific exclusion provided by this Bill. So a complaint could feasibly be made if a LAC allowed children to attend for longer than two hours a day or did not ensure parents were close by and able to be contacted.

The Commission understands there is doubt as to whether staff in LACs would be required to undergo a police vetting check. We welcome the Minister's reassurance during the Bill's First Reading that it was not the Bill's intention to remove police vetting. We strongly recommend that such checks remain mandatory for any staff member who has unsupervised access to young children and that the Select Committee identifies what measures are necessary to enforce such a requirement.

The Commission would be concerned if deregulation of LACs reflected any perception that caring for a group of young children is unskilled work with few responsibilities or that it does not require training. Given the limited information available about the impact of deregulating LACs, the Commission would like to pose the following questions to the Select Committee:

1. Does the Ministry of Education, or any other agency, have a responsibility to ensure that LAC staffing levels and training are sufficient to protect a young child's safety and wellbeing?

2. If not, what safeguards are in place to ensure, for example, that a LAC has:
- someone qualified in first aid available at all times
  - sufficient staff available, including cover for times when a staff member may need to locate a parent urgently
  - staff aware of relevant child protection and abuse protocols
  - adequate records so that staff can ensure children do not attend for more than two hours a day?

Finally, one of the foundation stones of *Te Whāriki*, the early childhood curriculum, is that the relationships and the environments that children experience have a direct impact on their development, as well as their learning, therefore:

3. Do agencies that inspect a LAC's premises have any responsibility for assessing its adequacy as an environment for infants and young children?

### **Secondary-tertiary programmes**

In its 2009 submission on the Education (Polytechnics) Amendment Bill, the Commission supported provisions enabling a tertiary high school to operate at Manukau Institute of Technology. Such secondary-tertiary programmes potentially offer young people a valuable alternative pathway to education and training. Accordingly the Commission supports proposals in the Education Amendment Bill (No 2) that will extend this initiative beyond the Manukau Institute of Technology.

Thank you for opportunity to make a submission on the Bill. The Commission wishes to appear before the Select Committee to speak to this submission.

Yours sincerely



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Te Amokapua