



Office of Hon Paula Bennett

Minister for Social Development
Minister of Youth Affairs

Barbara Smith
Home Education Foundation
PO Box 9064
Palmerston North
New Zealand

25 OCT 2012

Email: barbara@hef.org.nz

Dear Barbara

I write further to my letter of 20 September and in response to your recent press releases about this Government's welfare reforms. I thought it would be helpful to provide some further context and information around the intent of the current policy and proposed changes.

One of my key goals as Minister is to reduce long term benefit dependency and to improve outcomes for children in vulnerable families. The welfare reforms that I have already introduced and that are currently going through Parliament aim to help people into employment and provide more opportunities to some of our most vulnerable children.

Children from lower socio-economic groups, particularly benefit-supported homes, have a higher risk of negative social outcomes or missing development milestones.

I know that most beneficiary parents are acting in the best interests of their child and engaging in appropriate services. It is our most disadvantaged and vulnerable families in the benefit system who are not likely to be engaging and these are the families who would benefit most.

The proposed social obligations aim to reduce long-term welfare dependency and prevent the cycle of disadvantage continuing from parent to child. Beneficiaries with dependent children will be required to take "all reasonable steps" to have their dependent child:

- aged three or over, enrolled in and attending an approved Early Childhood Education Programme (ECE) until they start school
- enrolled in and regularly attending school from age of five or six (depending on when the child first starts school)
- enrolled with a primary health care provider, and up-to-date with the WellChild checks.

There is no requirement for beneficiary parents to immunise their children. The decision to immunise a child remains with the parent.

As I mentioned in my letter to you of 20 September 2012 I have ensured that a facilitative process is in place that enables Work and Income to engage with and support parents to meet their obligations, relying on sanctions only as a last resort. With at least three stages of contact over a period of six to eight weeks, Work and Income will be able to work intensively with a beneficiary before any sanction would apply.

The "all reasonable steps" criteria is still under development but will enable the flexibility for Work and Income to consider each individual situation and where there are genuine reasons for a parent not being able to meet their social obligations, for example their child is on a waiting list for a GP or lives in a remote area and cannot attend ECE, the parent will not be penalised.

Beneficiary parents will not be referred to Child Youth and Family simply because they have not met social obligations. However, there will be some situations where failure to meet multiple obligations is a symptom of far deeper problems within a family and I make no apologies about intervening and seeking more intensive support for vulnerable children where it is needed.

As a home educator, I understand you are particularly concerned about the social obligations requiring that beneficiary parents take all reasonable steps for their dependent children to be enrolled in ECE from age three until they start school and the obligation that they be enrolled in and attending school from age five or six (depending on when they start school).

As I advised in my letter of the 20th September where I outlined what approved (licensed and certificated) ECE programmes were (for example kindergartens, playcentres and kohanga reo) educating a child under the age of five in the home (unless it is part of a licensed home based care service for example through PORSE or Barnardos) does not meet the criteria of being licensed or certificated ECE under the Education Act 1989.

I understand you discussed some concerns regarding the implications of the social obligations for home schooling school aged children with my officials yesterday. Your concerns particularly centred on a response I made on 18 October to a query from Samuel Blight.

These welfare reforms aim to help to fundamentally shift the benefit system to one that encourages independence and personal responsibility, primarily through paid employment.

The social obligation for beneficiary parents to take all reasonable steps to have their child enrolled in and attending school from age five or six (depending on when they start school) does not in of itself affect a parent's ability to home school their child. For example, when a beneficiary does not have work obligations. The policy for home schooling has not changed as part of the welfare reforms and provided all existing criteria are met it will remain possible for beneficiary parents to home school their children and not fail their social obligation to have their school age children attending school.

However, beneficiaries who have work obligations generally cannot home school their children. This is because beneficiaries and their partners are required to be available for and seeking work where a child is aged over five. Work test requirements for partners are not new and were first introduced for partners of Unemployment Benefit recipients in April 1997.

There will be some situations where a parent is able to meet their part-time work test obligation while home schooling their child. For example where the parent works their 15 hours in the late afternoon/evening and home schools their child earlier in the day. These parents would not need an exemption from their part-time work test obligation.

Over time the work test requirements have been extended, for example from 15 October 2012 the age of the youngest child at which a part-time work test will apply was lowered from six to five. Whether a work test is for full-time or part time work depends on the beneficiaries circumstances:

- where a beneficiary has a child aged between five and 14 they are required to be available for and actively seeking part-time work of at least 15 hours per week
- where a beneficiary has a child aged 14 years or over they are required to be available for and actively seeking full-time work of at least 30 hours per week.

There are some very limited exceptions where a beneficiary is able to be exempted from work test obligations to home school a school aged child. The Ministry of Social Development

have additional criteria to meet over and above Ministry of Education approval for home schooling. These additional criteria were introduced in 2010 to reinforce that recipients of a work-tested benefit are expected to comply with work-test obligations in exchange for the benefit. The criteria in place establish whether the child's attendance at school is unreasonable, for example if there is no school bus or where a child has special needs. Please note the restricted circumstances in my previous letter are examples and are not necessarily an exhaustive list.

I have been advised by officials that applications for exemptions from work test obligations for home schooling are relatively infrequent and consequently the overall number of exemptions is low.

Provided the parent has met both Ministry of Education and Ministry of Social Development criteria to home school their child this would be acceptable to meet the obligation to ensure their child is enrolled in school. In my letter to Samuel Blight I indicated that the Ministry of Education had advised that although most people do not apply to Ministry of Education for home schooling until their child is near age six there is nothing to stop a parent applying to Ministry of Education to home-school their child from age five.

Following your discussion yesterday morning my officials have clarified this matter with Ministry of Education. You are correct in stating that the Ministry of Education exemption is not issued until the legal requirement to attend school commences at age six. This has previously not been a concern because the part-time work obligations for beneficiaries did not apply until the youngest child is six years of age. My officials assure me they are looking in to this matter and guidelines will be developed to ensure parents who want to home-school their children from age five and meet other requirements are not disadvantaged by this delay.

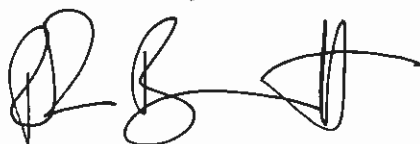
You have also expressed concern that if a family has to go on to benefit they will be subject to social obligations immediately. If a person is home schooling a school aged child before becoming a beneficiary with work obligations then an exemption can be granted until the end of that school year. The parent would need to have their exemption certificate from the Ministry of Education and provide proof of restricted circumstances that makes their child's attendance at school unreasonable in line with the Ministry of Social Development's policy.

The final point I would like to make clear is that all decisions regarding home-schooling exemptions are made at Work and Income Service Centre Manager level to ensure consistency.

I trust this has helped to address some of your concerns regarding obligations for beneficiaries and how they relate to home schooling.

As you are aware, submissions are being accepted by Select Committee up until 1 November 2012 on the Social Security (Benefit Categories and Work Focus) Amendment Bill. I continue to encourage you and other concerned home-schooling parents to make a submission that the Committee can consider before it reports back to Parliament early next year.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Paula Bennett', written in a cursive style.

Hon Paula Bennett
Minister for Social Development