Education Report: Clarifying Fees-Free Access for Refugee English Fund Learners

To: Hon Chris Hipkins, Minister of Education
Date: 19 November 2018
Priority: Medium
Security Level: In Confidence
METIS No: 1163164
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Messaging seen by Communications team: No

Purpose of Report

This paper outlines how clarity will be provided to students and the sector around Fees-Free settings for Refugee English Fund study.

Summary

• On 11 October, s 9(2)(a) wrote to you seeking clarity for Refugee English Fund learners’ access to Fees-Free tertiary education.

• The Refugee English Fund supports learners from refugee backgrounds to access fees-free study in English for Speakers of Other Languages (ESOL) courses at Level 3 and above.

• As Refugee English Fund study counts towards the Fees-Free tertiary education entitlement, undertaking this study to gain sufficient English can create a barrier to accessing Fees-Free tertiary education for further study to gain skills for employment.

• However, the Tertiary Education Commission (TEC) is using its discretion under exceptional circumstances provisions to ensure that undertaking Refugee English Fund study is not a barrier for learners from refugee backgrounds in accessing Fees-Free tertiary education.

• There is a lack of clarity for Refugee English Fund learners as there is no public information around how Refugee English Fund study is assessed within exceptional circumstances.

• The TEC intends to communicate in November to students and the sector that Refugee English Fund learners should apply for exceptional personal circumstances, to support their access to Fees-Free tertiary education.
Recommended Actions

The Ministry of Education recommends you:

a. **note** that planned communication to the sector and students intends to provide clarity around Refugee English Fund learners access to Fees-Free tertiary education

b. **sign** the attached Ministerial response to **s 9(2)(a)** indicating that officials are working to provide clarity around Refugee English Fund learners’ access to Fees-Free tertiary education

c. **agree** to forward this report to the Associate Education Minister, Hon Jenny Salesa, for her information

   ![Agree/Disagree]

   - Agree
   - Disagree

d. **proactively release** this education report, after the Tertiary Education Commission has communicated to the sector and students about Refugee English Fund learners access to Fees-Free tertiary education.

   ![Agree/Disagree]

   - Agree
   - Disagree

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Andy Jackson  
Group Manager,  
Tertiary Education  
19/11/2018

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Hon Chris Hipkins  
Minister of Education  
11/11/18
Background

Around 500 learners per year in Refugee English Fund programmes

1 The Refugee English Fund enables learners from refugee backgrounds to undertake fees-free study in English for Speakers of Other Languages (ESOL) courses at Level 3 and above on the New Zealand Qualifications Framework (NZQF). It is intended to provide learners from refugee backgrounds with sufficient English to undertake further higher-level tertiary study, as well as help them gain employment. The fund provides a top-up funding for fees-free access and pastoral care for provision through the Student Achievement Component (SAC) at Level 3 and above.

2 In 2017 there were around 460 Refugee English Fund learners. On average, they learners enrolled in 60 credits, 0.5 equivalent full-time students (EFTS), within Refugee English Fund programmes in 2017. In 2017, there were 12 providers of this fund (nine institutes of technology and polytechnics, two universities and one private training establishment), mainly in refugee resettlement areas.

Refugee English Fund counts towards Fees-Free entitlement

3 Studies undertaken by Refugee English Fund learners since 2018 count towards their Fees-Free entitlement, and study before 2018 as prior study for eligibility, as they are SAC courses at Level 3 and above. Given this, undertaking Refugee English Fund study to gain sufficient English, can create a barrier to accessing Fees-Free tertiary education for further study to gain skills for employment.

Refugee English Fund learners' access to Fees-Free

Use of exceptional circumstances for Refugee English Fund learners

5 Exceptional circumstances provisions are intended to enable access to Fees-Free tertiary education support, for those learners who have circumstances where an exemption is appropriate, and where it supports the policy intent for expanding access, improving affordability and supporting life-long learning.

6 The Tertiary Education Commission (TEC) has discretion, after considering an individual's exceptional personal circumstances, to grant Fees-Free eligibility or, from 2019, exclude a learner's study since 2018 from their Fees-Free entitlement [METIS 1148455 refers].

7 In 2018, the TEC has supported access to Fees-Free tertiary education for learners whose previous Refugee English Fund study would have made them ineligible. In 2018, the TEC granted 23 appeals from students in relation to Refugee English Fund programmes due to the exceptional circumstances from learners' refugee backgrounds, and their need to gain sufficient English.

8 In 2019, the TEC intends to continue to grant appeals under exceptional personal circumstances for Refugee English Fund funded study. From 2019 this includes excluding Refugee English Fund study from counting towards their Fees-Free entitlement. Without using exceptional circumstances provisions, Refugee English Fund learners would use a significant portion, or their whole Fees-Free entitlement, on Refugee English Fund study1.

1 The average amount of Refugee English Fund study undertaken by students who were enrolled in the Refugee English Fund in 2015, up to August 2018, was just over 1 EFTS.
Lack of clarity for Refugee English Fund learners

9 A letter to you and Minister Salesa, from s 9(2)(a) has raised a lack of clarity around the Fees-Free settings for Refugee English Fund learners.

10 There is a lack of clarity for Refugee English Fund learners, as the TEC’s approach under exceptional circumstances for Refugee English Fund study has not been communicated to students or the sector, including the providers of Refugee English Fund programmes.

11 During 2018, the TEC has been cautious around communicating likely factors for consideration for exceptional circumstances, as they relate to individual personal circumstances, and each case is considered on its individual merits.

Clarity in access to Fees-free support for learners from refugee backgrounds

The TEC will communicate to Refugee English Fund learners

12 To provide clarity for learners from refugee backgrounds and the sector, the TEC has worked on communications to Refugee English Fund providers and students. These communications directly encourage Refugee English Fund learners to apply for exceptional personal circumstances, for their Refugee English Fund study to:

- meet eligibility to Fees-Free tertiary education; or
- write-off Refugee English Fund study from their Fees-Free entitlement.

13 This communication from the TEC will support learners from refugee backgrounds to plan and make decisions about pursuing tertiary study knowing that exceptional circumstances can remove the impact of Refugee English Fund study on their access to Fees-Free.

14 The operation under exceptional circumstances will result in Refugee Education Fund study not being:

- included in measures of prior tertiary education, for determining eligibility for Fees-Free tertiary education; or
- counted towards a student's use of their Fees-Free entitlement,

15 Not all Refugee English Fund learners would gain access to a Fees-Free entitlement by having their study under the Refugee English Fund excluded. They would still need to meet all other eligibility criteria. Some Refugee English Fund learners would also have other previous study, including overseas study, which could impact on their eligibility for Fees-Free.

Potential issues

16 Communicating an exemption to Fees-Free tertiary education access for learners from refugee backgrounds in fees-free ESOL programmes, through the Refugee English Fund, may create pressure for other exemptions based on type of study or type of learners. For example, other programmes that support language competency such as Te Reo Māori, or other existing fees-free programmes like Māori and Pasifika Trades Training.

17 Any student granted by the TEC an exception specifically for the Refugee English Fund study they undertook, would have met exceptional personal circumstances, due to
their refugee background, and the need to support learners from refugee backgrounds gain sufficient English. Therefore, the exemption for Refugee English Fund study is quite specific and relates to exceptional personal circumstances that differ from other potential categories.

18 Officials intend to monitor Refugee English Fund learners’ access to Fees-Free. If a lack of clarity persists and affects access, we could consider a future policy change to support access to Fees-Free tertiary education for Refugee English Fund learners.

Next Steps

19 The TEC’s planned communication in November intends to provide clarity for students and the sector around access to Fees-Free tertiary education for Refugee English Fund learners.

20 We recommend that you sign the ministerial response (Appendix 1) to s 9(2)(a) outlining that officials are working towards providing clarity to Refugee English Fund learners.

21 We recommend that you forward this report to Minister Salesa, for her information, as she was also sent the correspondence from s 9(2)(a) in relation to her role as Associate Education Minister.
11 DEC 2018

Dear 9(2)(a),

Thank you for your email of 11 October 2018 about refugee background students’ access to fees-free tertiary study. I appreciate your support for these students and acknowledge there needs to be clarity for students and the sector on fees-free settings.

For students from a refugee background, gaining sufficient English language capability is important to successfully undertake tertiary study. Officials at the Ministry of Education and the Tertiary Education Commission (TEC) are looking to provide clarity about access to fees-free tertiary study for students who have previously made use of the Refugee English Fund (REF). I want to ensure these students are supported to pursue further tertiary study. Work on how best to achieve this is ongoing.

From 2019, the TEC will be able to consider allowing exemptions due to exceptional personal circumstances to study undertaken which counts towards students’ fees-free entitlement. If you believe any of your students have exceptional personal circumstances, for example refugee background students using up their fees-free entitlement on REF, they can request a review of their eligibility by emailing feesfreereview@tec.govt.nz.

Thank you again for writing to raise these concerns.

Yours sincerely,

Chris Hipkins
Minister of Education