



23 APR 2019

Dear [REDACTED]

On 19 January 2019, you emailed the Ministry requesting, under the Official Information Act 1982, information regarding policy in relation to people acting as parents of students.

Your questions are addressed in turn below:

- *A copy of the policy in relation to those people acting as parents of students and in particular I wish to know the guidelines for interpreting "any other person acting as a parent (eg, a relative)".*

Under our current guidelines a person is considered to be "acting in place of a parent" if they are responsible for the student's well-being and financial support. This can include grandparents, other relatives (including whangai), and sometimes foster parents (unless those foster parents have been appointed as guardians by the Chief Executive of Oranga Tamariki or an agency recognised by the Oranga Tamariki Act 1989), if they are acting in place of the student's parent(s), and they have not been appointed as guardians.

The definition of a "parent" for Student Allowance purposes is in regulation 2 of the Student Allowances Regulations 1998. It states "a parent, in relation to a student, includes a step-parent and any person acting in place of a parent of that student".

Policy guidelines relating to the definition of a parent for Student Allowance purposes can be found here: [www.workandincome.govt.nz/map/students/student-allowance/definition-of-a-parent.html](http://www.workandincome.govt.nz/map/students/student-allowance/definition-of-a-parent.html)

Policy guidelines relating to eligibility for an Independent Circumstances Allowance can be found here: [www.workandincome.govt.nz/map/students/student-allowance/independent-circumstances-allowance-01.html](http://www.workandincome.govt.nz/map/students/student-allowance/independent-circumstances-allowance-01.html)

Policy guidelines relating to the meaning of a family breakdown can be found here: [www.workandincome.govt.nz/map/students/student-allowance/family-breakdown-01.html](http://www.workandincome.govt.nz/map/students/student-allowance/family-breakdown-01.html)

Policy guidelines relating to eligibility for a One Parent application can be found here: [www.workandincome.govt.nz/map/students/student-allowance/one-parent-application.html](http://www.workandincome.govt.nz/map/students/student-allowance/one-parent-application.html)

As you will be aware, any student has the right to request a review of decision made by StudyLink about their Student Allowance. Further information regarding Student Allowances including obligations, rights and reviewing decisions can be found at the following link: [www.studylink.govt.nz/about-studylink/services/student-allowance-review-of-decision.html](http://www.studylink.govt.nz/about-studylink/services/student-allowance-review-of-decision.html)

Please note due to a recent Student Allowance Appeal Authority case, the Ministry is considering the feedback from the decision in relation to the policy guidelines in determining whether a person is 'acting in place of a parent'. The Ministry acknowledges that many people are in complex family situations and wants to ensure that the right decisions are being made for those seeking assistance.

- *A copy of the list of questions asked by Study Link/MSD employees to people they believe, may be acting as parents and any interpretation information relating to these questions.*

Please find attached the list of suggested questions taken from Studylink training material for staff to use for a person that may be acting in place of a parent. Please note that these are templates and individual staff may ask further, case specific questions. These training materials are also under review given the findings of the appeal authority.

- *I wish to know how this policy relating to "any person acting as a parent", aligns with MSD's purpose which is to "help New Zealanders to be safe strong and independent".*

The Ministry's purpose is to help New Zealanders to be safe, strong and independent. In order to meet its purpose, the Ministry must apply the legislation and policies that relate to social security and student assistance. This legislation includes the provisions in the Student Allowances Regulations 1998 regarding persons who are acting in place of a student's parent(s).

Student allowances are intended to encourage participation in tertiary study for students from low-income families (i.e. students who are unable to support themselves or rely on parental support alone) by providing them with access to financial support to help towards their living expenses. All other students who are unable to access allowances are able to obtain funding assistance by borrowing under the Student Loan Scheme.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding policy in relation to people acting as parents of students, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'PP B...', with a small dot at the end.

Cassandra Wise

**Manager, Issue Resolution, Service Delivery**

**Suggested questions provided for staff to use for a person who may be acting in place of a parent.**

*Questions to ask a person who maybe acting in place of a parent*

- *Has the person made a deliberate decision to take on the support of this student?*
- *Do you provide financial assistance and support to the student?*
- *If the student were in financial or 'other' trouble, would the person intervene to provide support and assistance for the student?*
- *Does the person provide accommodation to the student? If so, is the student required to pay for the accommodation? Would the person continue to provide accommodation, if the student could not pay for it?*
- *Does the person electively regard the student as a member of the family?*
- *Does the person provide personal guidance, advice or direction to the student, including on matters relating to their study?*
- *How many people are living in the house (is the student receiving the amount of emotional support needed from this person)?*
- *Is there anything you would like to add that you feel we have not considered about the students circumstances?*

*Other questions you might ask are:*

- *Was there anywhere else the student could have gone?*
- *And if not, did you take the student in believing it would be a temporary solution?*
- *Do you regard the student as a member of your family?*

*Does the student join you for meals? Family outings?*

- *Do you help the student with homework/assignments?*

*If you are talking to a foster parent it may be appropriate to ask:*

- *Does the student call you mum/dad?*
- *Has the student asked to use your last name?*

*If you are talking to a whangai parent it may be appropriate to ask:*

- *How old was the student when you took over their care?*
- *What was the reason you took over care?*
- *What was the relationship between the student and the parents before whangai?"*

**Any category – there may be someone acting in the place of a parent**

The student has applied for any category. However, there is an indication that there may be someone acting in the place of a parent e.g. they have been living with a relative for some time during the breakdown with parents.

*"The reason for my call today is that we need to conduct an interview with you for your Independent Circumstances Allowance application.*

*As you may be aware, students under the age of 24 are generally expected to be financially and emotionally supported by their parents, and as such entitlement to a Student Allowance includes an assessment of their parents' income.*

*For Student Allowance purposes, a parent is not limited to a biological or step-parent, but also includes anyone that may have been acting in the place of a parent for you.*

*That is, someone that has been*

- supporting you financially,*
- helping you with life decisions,*
- someone that you would turn to for help in emergency situations,*
- someone who has provided you with a home;*
- things that a parent would normally do for their child. Is there anybody in your life who has been acting in the place of a parent since the breakdown with your parents?"*