



## Education Report: Teacher Workforce Border Exception – Update and Next Steps

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	01 December 2021	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1276661
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<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

This paper seeks to update you on the progress of applications for the 300 Teacher Workforce Border Exceptions, and to seek your agreement to broaden current eligibility criteria to allow all early learning services, schools, and kura to be eligible to apply for a border exception.

### Recommended Actions

The Ministry of Education recommends you:

- a. **agree** to broadening the eligibility criteria to allow all early learning services, state and state-integrated schools, and kura, to apply for a Teacher Workforce Border Exception;  
**Agree / Disagree**
- b. **agree** to remove the current cap of two applications per early learning service, school, and kura;  
**Agree / Disagree**
- c. **agree** that all subject teachers be considered eligible;  
**Agree / Disagree**
- d. **agree** that these changes become effective as soon as communications are ready;  
**Agree / Disagree**

- e. **agree** that, as the proposed changes are operational, agreed changes are implemented without requiring Border Ministers and subsequent Cabinet approval, with a report back to Cabinet following retrospectively OR;

*But we should consult key Border Ministers via a Round Robin paper. CH*


Agree / Disagree

- f. **agree** to an oral update to Border Ministers and Cabinet advising of the Ministry's intended implementation of changes to the eligibility criteria;

Agree / Disagree

- g. **agree** that the Ministry of Education releases this briefing in full once it has been considered by you and an announcement of the changes has been made.

Agree / Disagree



Anna Welanyk  
Hautū – Te Puna Ohumahi Mātauranga  
3/12/2021



Hon Chris Hipkins  
Minister of Education  
8/12/21

## Summary

1. This paper follows an Education Report forwarded to you on August 31 (METIS 1268189) noting an update and advice on recommended changes to the current settings would be provided to you no later than December 2021.
2. Online border exception applications for New Teachers went live on 6 October 2021 and has been communicated through sector channels. The Ministry's case management team is supporting the sector and individual applicants via email and phone, as required.
3. This border exception process will close on either 30 June 2022, or when all 300 border exception positions have been granted, or when the Border reopens for non-New Zealand teachers, whichever occurs first. The Ministry will report to your office when we believe any scenario is likely to occur. As we get closer to this date, the Ministry will work closely with other agencies to ensure that all approved cases are managed in an orderly manner and no approved applicant is disadvantaged.
4. To date, uptake of the employer-led exception has been lower than expected. With demand difficult to quantify or predict, we prepared for a potentially high initial uptake. As of 19 November, preliminarily approval has been granted to 75 teachers from 85 total applications. None of these teachers have entered New Zealand: they are at various stages of completing the required paperwork, securing visas from Immigration NZ or securing MIQ places. Three Teacher Over the Border (TOBs) applications for those already working in New Zealand but who were overseas before the March 2020 border closure, have also been approved.

	<b>ECE Services</b> (HDI 8-10)	<b>Schools/Kura</b> (Decile 1-3)	<b>Hard-to-Staff</b> (Isolation Index 3+)	<b>STEM</b>	<b>Total:</b> (including TOBs)
19/11/2021	47	12	0	13	<b>75</b>

Table 1: Current preliminary approval, by priority group, as of 19 November 2021.

5. Our projections indicate that by 30 June 2022, under current eligibility criteria settings and assuming that demand remains the same as we have seen to date, we may see around 160 teachers approved by 30 June 2022. There may be around 125 – 155 'unused' border exception places remaining.
6. In recent weeks we have re-engaged with early learning and school sector representatives to determine whether the current policy/operational settings are still supporting the sector with their recruitment needs. Detailed feedback from the sector can be found in Annex 1. There was widespread agreement that current eligibility criteria needed to be broadened.
7. The initial design of the border exception was to ensure that those employers with the greatest recruitment need were given priority to apply for a border exception. Sector representatives have agreed with us that this was the right design decision, noting that the initial priority pools have now had sufficient time to apply for a border exception during a key employment period.



8. Our recommendation is to broaden eligibility criteria to increase the number of applications before the cut off date by:
- allowing all early learning services, state and state-integrated schools, and kura to apply;
  - removing the cap of two applications per service/school; and
  - allowing all subject teachers, including STEM, to be eligible
9. Enacting these changes will allow more schools, kura and centres to use the border exception as one of their recruitment tools to meet the demand for teachers in 2022, should they require it. We believe this change will be particularly helpful for the ECE sector who have told us that they continue to struggle to recruit sufficient qualified teachers from within New Zealand.
10. Several core requirements will remain in place including the need for an applicant to satisfy a domestic labour market test before seeking an overseas qualified teacher via the border exception, and for the teacher to meet criteria set out under the public health order of being fully vaccinated against COVID-19. These requirements remains important to ensure that the exception is not contributing to any oversupply of teachers by requiring schools to have exhausted the New Zealand market first.
11. In addition, we propose to retain the requirement that you previously agreed to [METIS 1252370] that participating teacher must have been overseas before borders closed on 19 March 2020. Although we note that this restriction has had undesirable consequences for a limited number of individuals who chose to leave after 19 March and now wish to return, we propose to keep the requirement as-is, reflecting the need to ensure that the Border Exception does not become a pathway to leave and re-enter New Zealand.
12. Following the 24 November 'Reconnecting New Zealanders to the World' announcement around changes to isolation requirements and the phased opening of New Zealand's borders, from early 2022, we will continue to monitor potential impacts on the border exceptions for teachers. Depending on potential changes to border and wider immigration settings in place in Q1 2022, we may see the demand for the teacher border exception increase. We will continue to monitor the uptake of the border exception and wider immigration/border settings and advise you on any potential changes necessary. We will provide you further advice on next steps in advance of the expiration of the current exemption in June.

### Financial Implications

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13. There will be no additional financial costs to implement these changes: they will be managed within the existing funding allocated to the exemption.

### Next Steps

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14. It is our recommendation that, in the interest of timeliness, you agree to making these operational changes with a retrospective report back to Cabinet. Your office will be required to liaise with the office of the Minister of Immigration, who will then direct the

Ministry of Business, Innovation, and Employment to coordinate changes with Senior Officials and Border Ministers.

15. The alternative approach would be to return with a formal request to the Senior Officials Group, Border Ministers, and Cabinet for approval to change the current eligibility criteria. This process will take longer and means that the sector will have to wait longer for these changes to take effect. While we will manage this as quickly as possible, we consider it to be the less desirable option. If there is a delay in expanding the eligibility criteria to enable applications from all early learning services, schools, and kura, there is a risk of sector discontent given the continuing challenges being faced by employers in recruiting teachers in specific roles, subjects (STEM) and locations. This will be felt particularly by those who have expressed interest to us.
16. We will utilise the Ministry's core communications channels (e.g. the School Leader and Early Learning Bulletins) and sector representatives to communicate changes to the process, and work with your office on any other communication. When communicating about this change, we will ensure that we continue to emphasise that any school applying must satisfy a labour market test before being approved. This will help to mitigate any potential concerns from the sector about this change resulting in an oversupply of teachers.

#### Proactive Release

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17. We recommend that this briefing is released in full once it has been considered by you and an announcement of the changes has been made.

#### Annexes

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Annex 1: Detailed Sector Feedback



## **Annex 1: Detailed Sector Feedback**

### **Sector feedback indicates interest for broader eligibility criteria**

We have drawn on feedback from sector employers to determine if there are services/schools/kura that are interested in applying, but do not currently fit the eligibility criteria:

- 24 early learning services indicated interest but do not fit the criteria of being Health Deprivation Index 8-10;
  - 9 schools indicated interest but do not fit the criteria of being decile 1-3;
  - Interest spans across all deciles and all HDI ratings, although there is a slightly higher interest from those in HDI 5-7 and decile 4-6 (the 'mid' group);
  - Some schools are interested in hiring a non-STEM teacher, but are currently ineligible
1. While our data comes from a relatively small sample base, we have confidence that similar patterns of feedback we have received reflect a reasonably accurate projection of interest from the sector. Assuming all 33 interested respondents applied for a border exception, and 25% (8) applied for two border exceptions, this would still leave around 80-100 "unused" places from the 300 approved by Cabinet.
  2. Interest in lodging more than two applications is not widespread, with only the largest schools and services expressing an interest in the cap being removed.

### **Sector representatives agree with broader eligibility criteria**

3. We tested with sector representatives several potential changes including allowing all early learning services, state and state-integrated schools and kura to apply and removing the cap on applications. There was widespread agreement that this was a sensible next step for the programme.
4. Representatives understand that broadening eligibility criteria would mean no longer prioritising specific groups. All representatives appreciate that we have given priority groups first access to this scheme and were now comfortable with the criteria being broadened.
5. Requiring evidence that applicants had tested the domestic labour market before applying for a border exception remained a key priority, particularly from PPTA and NZEI representatives.
6. Feedback identified that the process for applying for a border exception had been relatively straight-forward, with only a handful of responses suggesting it was difficult to navigate. Broadening criteria would likely remove some complexity in applying.

### **Broadening eligibility criteria would resolve several problems**

7. The use of the Health Deprivation Index as a measure for eligibility was met with some uncertainty as early learning services are more familiar with other measures (such as the Equity Index used for ECE funding). However, the HDI uses more up to date Census data (2018) compared to the Equity Index which uses 2006 Census data,

representing a more current indicator of need.

8. Some early learning services also expressed frustration that while they were considered ineligible due to their HDI assessment, services “across the road” were able to apply. This granularity has caused some services to feel unfairly assessed under the HDI criteria.
9. A handful of Montessori early learning services, Waldorf, and Specialist schools have expressed interest in applying for the Border Exception but are currently ineligible due to the current criteria. These groups encounter greater recruitment difficulty due to their higher specialist teacher requirements. Ministry Regional Directors have requested that we consider including these specialised schools and services in any future changes to the border exception be included.
10. Some early learning services and schools have indicated they have found a suitable candidate who they wish to bring from overseas but as they are currently ineligible, they are unable to apply for a border exception. Several requests for discretionary consideration and/or waivers, were also made to us, often for reasons mentioned in the above paragraphs
11. By broadening eligibility criteria to allow all early learning services and state and state-integrated schools and kura to apply, these issues would be largely resolved.