



NEW ZEALAND QUALIFICATIONS AUTHORITY
MANA TOHU MĀTAURANGA O AOTEAROA

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**Guidelines for the
Education (Pastoral Care of
International Students)
Code of Practice 2016
(including 2019 amendments)**

JULY 2019

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Introduction

Purpose and principles

The Education (Pastoral Care of International Students) Code of Practice 2016 (the Code) prescribes (alongside other quality assurance requirements in the Education Act 1989) the outcomes sought from signatories for their international students, and the key processes required of signatories to support the well-being, achievement, and rights of international students.

These guidelines are intended to be used by signatories to the Code to understand, interpret, and implement the requirements of the Code to their own unique circumstances, and establish good practices that meet the legislative outcomes of the Code.

Scope

These guidelines have been revised, together with the sector, to support the 2016 outcomes-focused Code and the 2019 amendments to the Code. They are designed as a starting point for Code signatories when developing policies, processes, and practices for the pastoral care of international students. They provide broad advice and do not cover all requirements of the Code. Some of the information and advice may only be relevant to schools or tertiary education organisations.

Navigating these guidelines

These guidelines must be read in conjunction with the **Code**. They are structured around each of the Code's ten key outcomes and corresponding processes.

Link to outcome in Code

There are links at the start of each outcome section to the Code.

01

A tab is used at the start of each outcome section, to help signatories identify the outcome and its relevant processes.

2019 amendments

"2019 amendments" sections alert you to the 2019 amendments to the Code.

Under 18 year old and/or under 10 year old students

Headings specific to under 18 year old and/or under 10 year old students are highlighted in blue.

Icons are used throughout the document to help signatories locate information:

 'Star icon' signals suggestions for good practice

 'Arrow icon' draws attention to website resources.

Working with an outcomes-focused Code

The New Zealand international education sector is made up of a range of education providers, some with only a few international students to others with a few thousand.

There is no one size fits all approach to pastoral care. 'Good practice' may look different in each school and tertiary education organisation (TEO), depending on the markets, agents, and students involved. The outcomes-focused Code enables signatories to tailor practice to meet the needs of their particular learners, in their particular context. Further to the minimum process requirements outlined in the Code, each Code signatory school or TEO will need to consider what, if any, additional activity is necessary for their organisation to meet or exceed the overall Code outcomes.

Understanding the terms 'reasonable' and 'as far as possible/practicable'

The Code outlines minimum process requirements under each outcome. Sometimes the Code specifies what is required, and at other times it requires signatories to work out for themselves and implement what is "reasonable" or "practicable", in accordance with the overarching Code outcomes.

The use of the terms 'reasonable' and 'as far as possible or practicable' throughout the Code acknowledges that the approach to pastoral care for each international student may be different, depending on their age, ability and individual circumstances. Signatories are required to tailor their approach accordingly to meet the required outcomes of the Code.

NZQA as the Code administrator

NZQA is responsible for assuring that New Zealand qualifications are credible and robust, nationally and internationally, in order to help learners succeed in their chosen endeavours and to contribute to New Zealand society.

NZQA as Code Administrator quality assures the implementation of the Code by signatories to achieve the purposes of the Code.

To fulfil its role as Code Administrator, NZQA:

- approves applications to become a Code signatory
- monitors compliance with the Code
- identifies needs through regular sector engagement, including through peak bodies
- provides guidelines and resources for interpreting and applying the Code
- receives and investigates complaints and referrals about possible Code breaches
- takes appropriate action to address proven breaches
- responds to questions about the Code
- maintains the list of Code signatories.

Quality assurance of pastoral care

Sector performance under the Code is verified by NZQA through a range of integrated quality assurance activities that are a part of the Evaluative Quality Assurance Framework (EQAF).

Self-review

Self-review is the heart of quality assurance and includes the ongoing processes a signatory uses to gain evidence of its own effectiveness in providing quality pastoral care for international students.

The Code requires signatories to undertake and document a self-review of their performance against the outcomes and processes set out in the Code.

This means that signatories must evaluate, based on data gathered, how effectively their policies, procedures and practices have been in achieving each of the outcomes of the Code. Signatories can then use this information to improve their pastoral care of international students.

Signatories are required to attest to NZQA that they have undertaken and documented a self-review. NZQA determines the frequency of attestation.

NZQA may request the self-review report for evaluation as part of its routine monitoring.

External review

The Code is also monitored in:

- External Evaluation and Review (EER)
- Education Review Office (ERO) reviews
- Universities New Zealand (UNZ) reviews.

NZQA follows up concerns that arise through monitoring, external review, complaint investigations, or the sharing of information with other agencies.

Investigation of complaints

NZQA has a formal complaints procedure that is available to international students (or anyone acting on behalf of an international student) wishing to raise concerns about a signatory.

When NZQA receives a complaint, it carries out an initial assessment to determine whether the concerns fall within NZQA's jurisdiction and evaluates the credibility of the allegations. NZQA then decides whether there are sufficient grounds to conduct further investigation.

If NZQA proceeds with an investigation, it does so in accordance with the principles of natural justice to ensure the prompt, considered, and fair resolution of the matter. The education provider is given the opportunity to respond to the concerns that have been raised.

In some cases, a site visit may be necessary in order to view or gather evidence to inform the investigation.

If a breach of the Code is proven, NZQA takes appropriate action. The level of formality of this action is proportionate to the seriousness and impact of the breach.

Further information or advice

Contact NZQA at code.enquiries@nzqa.govt.nz or call on **0800 697 296**.

Outcome 1: Marketing and promotion

01

[Link to outcome 1 in Code](#)

Signatories must ensure that the marketing and promotion to prospective international students of services provided by signatories includes clear, sufficient and accurate information enabling those students to make informed choices about the services provided.

The intent of this outcome is to ensure prospective international students and their families have a full and realistic picture of what it will be like to live and study in New Zealand, and in particular at your organisation.

This means supporting international students up-front with robust information, so they can make a sound decision about whether studying with you is the best decision for them. In addition to the benefits, international students will need to be aware of the costs they will face, the realities of day-to-day life as a student at your organisation, and where relevant, what kind of employment opportunities they are likely to have during and after their study.

It is important that this information is regularly reviewed so it remains current and sufficient for your particular students.

Navigating these guidelines

Under 18 year old and/or under 10 year old students

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12. Process

12(a)

Understanding the information needs of international students

Understanding the different information needs of international students will help signatories develop marketing and promotional resources to better support international students and their families make important decisions about their international education.



Some ways you might find out what information prospective international students require:

- interview current and potential students
- survey your international students within the first few weeks of enrolment
- survey your agents
- do your market research– i.e. Education New Zealand (ENZ) market information and Immigration New Zealand (INZ) data
- use information from social media (Facebook, WeChat, etc.) where appropriate.

12(b)

Develop and provide information to international students and review the information to ensure it is kept up to date

Ensure that you provide the minimum required information outlined in clause 12 (c) of the Code (see below) and that you have a process in place to check that the information is current and relevant for your prospective international students.

Your particular international learners may need information over and above the minimum requirements of the Code. This is a decision you need to make as the signatory provider, based on what you understand about your international students' information needs from the data you have gathered (→ see *guidelines for clause 12 (a) above*).



Possible ways to provide information to international students:

- make short video clips showing your education organisation, staff and students
- have an English as a Second or Other Language (ESOL) teacher check that your information is written in plain English and can be easily understood by non-native English speakers
- translate information into the languages understood by your prospective international students
- develop resources together with current students or alumni
- share case studies from current students or alumni.

I2(b) (continued)**Develop and provide information to international students and review the information to ensure it is kept up to date****Possible ways to review information to students to ensure it is up to date:**

- make a staff member responsible for regular review of the information
- check weblinks are working and any cost estimates are still accurate
- consider student/parent/agent feedback about your information and revise as appropriate.

**Useful links:**

[Immigration New Zealand \(marketing to international students\)](#)

[Immigration New Zealand \(international markets\)](#)

[Immigration New Zealand \(migrant exploitation\)](#)

[Education New Zealand \(about living, studying and working in New Zealand\)](#)

[Ministry of Education \(for parents\)](#)

[Education Counts Statistics New Zealand NZ Ready](#)

[New Zealand Now](#)

[Consumers Guarantees Act 1993](#)

[Advertising Standards Authority](#)

I2(c)**Required information for students**

Signatories must, as a minimum, provide information to prospective international students on:

- quality assurance results
- educational instruction, staffing, facilities and equipment
- the Dispute Resolution Scheme (DRS)
- potential learning outcomes, including pathways for further study and employment
- estimated study and living costs
- accommodation and transport.

How much information you provide about these areas is a decision you need to make based on your understanding of your international students' information needs.

I2(c)(i)**Quality assurance results**

Make sure the quality assurance information on your website is easily accessible.

For example, link to your latest quality assurance review (ERO, EER, AQA, etc.) and direct international students to information that is relevant.

I2(c)(ii)**Educational instruction, staffing, facilities and equipment available to international students**

Provide information about the services and facilities included.

**Consider including:**

- information about approaches to educational instruction
- information about when a course might be cancelled and what will happen in that case
- information about staff working with international students, as appropriate
- if language support is available to international students and their parents
- information about education and other facilities such as sporting areas, cafeteria, etc.
- if there are additional charges for any services or facilities.

Information can be made available through:

- online links to your organisation's prospectus, brochures and website
- a virtual tour of your organisation's facilities, including extracurricular activities such as sports, drama and dance
- a Skype conversation between international staff and new international students.

I2(c)(iii)**The Disputes Resolution Scheme (DRS)**

International students must be provided information about the DRS and how they can make a complaint through **iStudent Complaints**, the DRS operator.

→ Refer to outcome 10 for more details.

I2(c)(iv)**Potential learning outcomes, including pathways for further study or employment, where applicable**

Learning outcomes include information on key competencies and graduate outcomes as well as education outcomes and qualifications.

Check that your careers and pathway advice is up to date. Provide appropriate advice and links such as [Careers NZ](#).

**Consider:**

- whether your career options and pathways advice and support for domestic students can be adapted for International students
- if there is additional information you might need to provide for international students who want to return to their home country to study and whether successful completion of your programme meets requirements for entry to further study in their home country
- additional pathway advice for international students moving from, for example, intermediate to secondary school, or secondary school to tertiary education.

I2(c)(v)**Estimated study and living costs for international students**

As far as possible, provide relevant information to help potential international students and, if relevant, their parents understand the costs of living and studying in your region.

**These costs may include:**

- fees that are not refundable
- additional materials and equipment
- costs for having to resit examinations, if required accommodation (what is and is not included)
- leisure activities outside of school hours
- local transport.

The Department of Building and Housing website provides details of market rent based on bonds received by region: www.dbh.govt.nz.

12(c)(vi)**Accommodation and transport**

When developing information about accommodation and transport, consider:

Accommodation

- what types of accommodation are available and what standards to expect
- relevant aspects of your accommodation policies
- whether the accommodation must be assessed or approved

Transport

- including your transport policies relating to international students
- including your transport policies relating to motor vehicles
- making information about public transport available to students during orientation or at their pre-departure briefing

Outcome 2: Managing and monitoring agents

02

 [Link to outcome 2 in the Code](#)

Signatories must effectively manage and monitor their agents (that is, those agents that signatories have contracted to represent them) to ensure that those agents:

- (a) provide international students with reliable information and advice about studying, working and living in New Zealand; and
- (b) act with integrity and professionalism towards prospective international students; and
- (c) do not breach the law or jeopardise the signatory's compliance with this Code.

The intent of this outcome is to ensure that agents always act with the utmost integrity and are clear about their obligations, and that you have robust management and monitoring procedures that ensure agents provide students and their families with the best possible information and support.

2019 amendments to outcome 2

Process requirements for monitoring and managing agents have been added to the Code to clarify expectations (⇒ see clause 14(ba) and (bb)).

This means that your policies and processes must include agent monitoring activities as well as the appropriate interim actions you will take should you discover misconduct by an agent that is not serious enough to warrant contract termination, but nonetheless still requires management and a remedial response.

Navigating these guidelines

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Good practice when using agents

It is important that New Zealand provides international students with a quality education through an experience that meets and exceeds their expectations.

Agents play a key role in achieving this goal, as they are often the first point of contact with international students and families and can greatly influence their enrolment decisions.

Signatories play a vital role by effectively managing and monitoring their agents.

The guidelines below outline the minimum process requirements and provide some examples for practice.

For further suggestions for good practice, please see the information provided in NZQA's online [Code Toolbox, outcome 2](#). This information has been gathered from a range of schools and TEOs.

14. Process

I4(a)

Reference checks

You must undertake and document reference checks on all potential agents. You can seek verbal or written references. As a signatory, you need to decide the level of detail of reference checks sought and how many are appropriate.

Ensure that your systems for reference checking and recording are robust and that they give you the assurance that, as far as possible, the agent is a trustworthy professional.

Reference checking is complete when you have sufficient information to be confident that the agent will:

- provide quality advice to international students
- work with professionalism and integrity
- not breach the law or jeopardise your organisation's compliance with the Code.



References can be sought from a range of sources, i.e.:

- other signatories
- the student's family
- NZ Government agencies
- past employers.



See the [Code Toolbox, outcome 2](#) for more suggestions on reference checking and undertaking due diligence on agents.

I4(b)**Written contracts**

You must enter into a written contract with each agent you engage to represent you and who offers a service for payment, whether it be for recruitment, accommodation, or another service.

A written contract sets out the terms and conditions for the partnership. The contract may be developed by you or the agent. The written contract must be signed by both parties. Regularly check that your agent contracts meet your requirements as a signatory. A robust contract will help ensure that your agent acts in a way that supports the intent of this outcome.

**Consider:**

- seeking independent legal advice on any agent contract, including templates
- whether to offer an agent your contract or accept the agent's contract
- a one-year probation period
- having expiry dates on your contracts. This will allow you to review your agent's performance and discuss the services they have provided before deciding to renew the contract
- whether new/renewed agent contracts need to be updated following the 2019 amendments to this Code outcome, to ensure your agents are aware of how they will be monitored and the consequences of any misconduct.



For more guidance on agent contracts, see [Code Toolbox, outcome 2](#).

I4(ba)**Monitoring agent activities and performance**

It is important to have a policy and ongoing process for monitoring the performance of agents you have contracted, according to the terms and conditions of the agent contract, the requirements of the Code, and your agents' other legal obligations.

As signatory, it is your responsibility to determine how you will monitor your agents.

**Consider, for example:**

- gathering regular feedback about agent conduct through surveys, meetings, and interviews with international students, parents/legal guardians, residential caregivers, and/or staff
- developing a joint appraisal process with signatories using the same agent
- reviewing the history of successful placements by the agent
- assessing the agent's engagement with your organisation to determine if future partnership is desired
- spot-checking the information provided by agents to your students
- having procedures in place for managing issues and complaints about agents
- conducting annual performance reviews

I4(ba) (continued)

Monitoring agent activities and performance



Consider, for example:

- requiring agents to provide evidence of good performance, for example:
 - vetting waiver authorising Immigration New Zealand to provide relevant data regarding the agent
 - their offers of place acceptance rate
 - copies of visa decline letters that the agent has received
 - robust verification of student documentation prior to submission to provider and/or INZ
 - attend compulsory training programmes with your education organisation or through an external provider (may be delivered online). For example, training on the Code requirements.
- requiring agents to make formal declarations regarding, for example:
 - potential conflicts of interest
 - acting in accordance with the [New Zealand Immigration Advisors Licensing Act 2007](#) and with the [Code](#)
 - adhering to the ethical standards outlined in the [London Statement of Principles](#)
 - ensuring that any of your organisation's promotional material translated by the agent is consistent with the English language version.

Monitoring activities are sufficient when you have gathered enough evidence to be confident that your agents are performing as required.

As you monitor, keep the outcomes of the Code in mind to help you identify unhelpful or unethical behaviour.



Examples of questionable behaviour could include:

- transferring an international student to another signatory without a valid reason or for the purpose of obtaining additional commission
- producing materials with unsubstantiated claims. For example, regarding the right to live and work in New Zealand
- representing your education organisation in a misleading or dishonest manner
- providing inadequate or unsafe accommodation
- not aligning the international students' needs to the programme and level of study.

Follow up immediately on any suspected misconduct identified through your monitoring or brought to your attention through other means.

I4(bb)**Managing agents**

You must take action if you have evidence that suggests agent misconduct.

Your management response will depend on the seriousness of the misconduct, the quality of your evidence, and the associated level of risk to your international students. As signatory, it is your responsibility to determine which actions are appropriate based on the available information.

Action taken is appropriate if it gives you confidence that any risk to your international students, as regards the outcomes of the Code, has been mitigated.

If the agent's misconduct meets the threshold outlined in clause 14 (bb) (i.) (A) (B), you are required to terminate the contract.

If you determine, based on the available information and any further investigation, that the agent's conduct falls short of the threshold for contract termination, you need to take appropriate action to manage the agent's performance and prevent future misconduct.

**When deciding what action to take, consider:**

- the agent's track record
- the quality of your evidence relating to the alleged misconduct
- whether more information is needed
- the best interests of your international students.

**Appropriate action may include:**

- discussing the concerns with your agent
- requesting a formal written response regarding the alleged misconduct
- clarifying the expectations of your agent regarding their contract and the Code
- issuing a formal warning letter
- conducting a formal investigation
- following your internal grievance procedures
- outlining corrective measures for your agent to action
- requiring your agent to upskill by signing up for more training
- setting a probation period with clear outcomes your agent must meet
- terminating the agent's contract.

**The following links may be useful:**

[Managing misconduct by an employee](#)

[Managing disciplinary process](#)

[Employment relationship problem resolution](#)

[Code Toolbox, outcome 2 \(in particular, the section "Manage risk"\)](#)

I4(d)**Ensuring agents have access to up to date information**

The signatory-agent relationship is two-way.

Ensuring your agents have the information they need to understand their obligations is critical for enabling them to act appropriately.

You must support your agents to meet their responsibilities as agreed in your contract with them by making sure they understand the expectations of your education organisation and your obligations under the Code.

Regular checks of your processes and systems should assure you that your agents have up to date, accurate information as agreed in your contract with them.

**Consider:**

- developing an agent handbook that includes expectations for both the agent and the signatory
- sending regular newsletters to keep agents informed of any changes, such as changes to your programmes or to government policy
- visiting your agents to share information and get their feedback
- requesting that your agents visit your organisation, so they know what their international students can expect
- offering regular training to upskill agents so they can provide accurate, useful information to students and where relevant, parents and legal guardians
- referring agents to Education New Zealand's new online tool for agents, [AgentLab](#).



For more information and advice on supporting your agents, see the [Code Toolbox, outcome 2](#).

Additional information on agents' legal obligations

Licensed Immigration Advisers

Under the Immigration Advisers Licensing Act 2007 (the IALA), any person providing New Zealand immigration advice anywhere in the world must be licensed by the Immigration Advisers Authority, unless they are exempt.

There is a narrow exemption for offshore student advisers providing immigration advice in relation to student visas only. This exemption does not apply in New Zealand and does not allow an offshore adviser to provide advice to applicants, or secondary or related applicants, on any other visa type, including work, visitor or guardian visas. If an offshore adviser wishes to provide advice on both student and other visa types, they must apply for a license.

Immigration New Zealand is required by the IALA to refuse to process applications for visas that have been made by unlicensed advisers.

If students or signatories know or suspect an agent is providing immigration advice outside the scope of the exemption, the matter can be referred to the Immigration Advisers Authority.

Full details of the licensing regime are available from the Immigration Advisers Authority's website at www.iaa.govt.nz.

London Statement of Principles

New Zealand is a signatory to the London Statement of Principles. These principles promote best practice among education agents and consultant professions supporting international students.

They require agents and consultants to:

- practice responsible business ethics
- provide current, accurate and honest information in an ethical manner
- develop transparent business relationships with students and signatories through the use of written agreements
- protect the interests of minors
- provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ
- act professionally
- work with New Zealand signatories to raise ethical standards and best practice.

Agents are required to abide by these ethical principles at all times. They provide a useful framework to support signatories in monitoring and managing the conduct of partner agents.



The **Code Toolbox, outcome 2** provides a useful overview of agents' legal obligations with additional links for your reference.

Outcome 3: Offers, enrolment, contracts and insurance

O3

 [Link to outcome 3 in the Code](#)

Signatories must:

- (a) support international students (or the parents or legal guardians of international students under 18 years) to make well-informed enrolment decisions that are appropriate to the educational outcomes sought; and
- (b) ensure that international students (or the parents or legal guardians of international students under 18 years) have the information required to understand their interests and obligations before entering into a legally binding contract with a signatory; and
 - (ba) ensure that each contract of enrolment is fair and reasonable; and
 - (bb) ensure that any disciplinary action is taken in accordance with the principles of natural justice; and
 - (bc) ensure that international students have the appropriate insurance coverage, including insurance covering travel costs, medical care, and costs associated with repatriation, expatriation, and funeral expenses; and
- (c) ensure that proper documentation is kept and, where appropriate, provided to international students (or the parents or legal guardians of international students under 18 years).

Navigating these guidelines

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The intent of this outcome is to ensure you have good systems and documentation set up to manage the offer, enrolment, contract, and insurance for each new international student, and that international students and their families are clear on their likely educational outcomes and their rights and responsibilities as an international student at your organisation prior to entering the enrolment contract.

2019 amendments to outcome 3

Insurance requirements are included in the title and statement of outcome 3 to emphasise their importance to this outcome area and international student well-being (⇒ see *clause 15 (a-c)*).

Minor amendments to insurance process requirements clarify that “the student’s travel to and from New Zealand” needs to be included in appropriate insurance cover, as far as practicable, even if that travel occurs outside of the enrolment period (⇒ see *clause 16D (2-3)*).

In terms of enrolment contracts and processes, international students must have the same protections as domestic students (⇒ see *clause 16B(1)(c-e) and (2)*).

Enrolment contracts and processes must (⇒ see *clause 16B(1)(e-c) and (2)*):

- include the conditions for contract termination
- include the circumstances under which the student’s conduct may be in breach of the enrolment contract
- include disciplinary procedures
- be fair and reasonable.

Any disciplinary action taken must be in accordance with the principles of natural justice (⇒ see *clause 16C*).

A definition of “contract of enrolment” for state schools has been added to the Code as a result of the Education (Tertiary Education and Other Matters) Amendment Act 2018. A definition of “contract of enrolment” for other types of signatories has also been added so that it is consistent with the definition for state schools (⇒ see *clause 7 (1)*).

16. Process: offer of educational instruction

16

Ensuring the educational instruction offered accords with the Act, and is appropriate for student's expectations, English language proficiency, and academic capability

This process links with outcomes 1 and 2 and related processes to ensure that the expectations of international students, and where relevant their parents/legal guardians, are well managed and lead to a successful student placement and student experience.

The programme offered needs to be at a level that means the student has a realistic chance of successful completion. Assess the academic capabilities and English language proficiency of all students, and their career intentions, and determine if future intentions match the educational opportunities you offer. This includes assessing the proficiencies of students who have changed from one signatory to another.

You will need to ensure that any specific English language testing requirements set out in other legislation are applied. For example, that the *English language requirements for certain international students* in the *New Zealand Qualification Framework Programme Approval and Accreditation Rules 2018* are applied.



Ways to assess suitability for the programme offered:

- interviews with students (these could take place offshore or via Skype or another form of communication)
- questions on the enrolment/application form
- through the admissions process (i.e. letters stating how the programme of study will contribute to the career intentions of the prospective student)
- testing and assessment in skill requirements for individual subject areas
- assessment of English language ability
- the student's academic record and attendance (and achievement) at previous schools and/or organisations in New Zealand should be examined and taken into account before the offer is made.



Ways to test for English language proficiency:

- request an academic transcript or school reports in English. This should be a notified or verified copy
- request results of accredited English examinations (including IELTS and TOEFL)
- assess English competency using an English test administered by another signatory
- administer your own recognised language assessment
- request references.

As part of good practice, consider advising students in writing:

- if they will be required to undertake tests prior to or on their arrival in New Zealand
- of the standard that must be achieved through testing at home or in New Zealand
- if programme placement, or programme placement at a particular level, is dependent on that testing
- the repercussions for students if they do not reach the required standard.

I6A Process: information to be provided before entering contract

Signatories must provide, as a minimum, the information specified in clause 16A (1a-i).

I6A(1a)

Recent results of evaluations by education quality assurance agencies

This can be made available through links on your website or in promotional and/or enrolment material and by extracting information from the relevant quality assurance report.

I6A(1b)

Compliance notices

Information about compliance notices and conditions imposed under the Education Act 1989 and the Code are publicly available on the statutory actions page on NZQA's website. NZQA may require a signatory to directly disclose this information to prospective international students.

I6A(1c)

Education provided and its outcome

Provide relevant information about the qualification or programme the international student intends to enrol in, including opportunities to progress to further study or work.

Consider if information about the New Zealand education system and the New Zealand Qualifications Framework would be useful.



This information is available from the [Ministry of Education](#), [NZQA](#), and [Education New Zealand](#) websites.

I6A(1d)

Refund conditions

The conditions under which refunds will be made must be clearly presented in the information that you provide to international students, their families or legal guardians.

This information can be included in the international student offer/enrolment/contract, student handbook, on your website and other documentation provided as part of the enrolment process.

→ For more detailed information on refund policies, please refer to outcome 8.

I6A(Ie)**Staffing, facilities and equipment**

Decide which information is relevant to the programme an international student is intending to enrol in and present an accurate impression of what it is like to study at your organisation.

**Information about staff, facilities and equipment can be provided through:**

- online links to your prospectus, brochures and website images
- photos and contact details of staff relevant to international students
- a virtual tour of your campus
- a Skype conversation between international staff and new students, their parents or legal guardians, including where appropriate in the student's first language.

I6A(If)**Available services and supports**

International students require significant support during their study.

Consider when to advise international students about available services provided by your organisation or the community. For example, this could be in the information before they enrol, in their enrolment contract, during orientation, and/or during the period of their study.

**Some ideas to consider:**

- be clear which services are free-of-charge, only covered by insurance, or not covered by insurance so may incur additional costs
- it may be necessary to provide an explanation of what happens in some services, for example counselling services, if this is not commonly used in their home country. It may be appropriate to advise international students that there is no shame in accessing any of the available services and that doing so will not have any negative impact on their academic results
- some services, such as counselling, are confidential except for in certain circumstances (see bullet point below). Parents and legal guardians should be clear that this information may not be shared with them
- both international students and parents should be aware that certain information disclosed in a health or counselling appointment (such as the intent to harm oneself or others) will result in information being shared with appropriate third parties so that necessary steps can be taken to protect the international student and any other affected parties
- explain how to access these services, i.e. by making an appointment.

**Additional support and services could include:**

- advice on cross-cultural adjustment and settling into life and study in New Zealand
- learning support or additional private tutoring
- health and counselling services
- disability support.

I6A(Ig)

Insurance and visa requirements

→ Refer to Code 16D for insurance requirements and outcome 4 for visa requirements.

You can advise international students about these requirements in the enrolment contract.

If an international student provides their own insurance in a language other than English from their home country and they are unable to provide a copy in English, you can ask the student (or where appropriate, their parents or legal guardians) to declare in writing that the policy covers the requirements set out in the Code. You need to have confidence that parents or legal guardians understand Code requirements.

If you do not believe that an international student's insurance policy covers the requirements outlined in process 16D of the Code, you must ensure they purchase an insurance policy that does, before enrolling them.

For more information about insurance, refer to **Code Toolbox, outcome 3**, under 'International Student Insurance' on NZQA's website.

I6A(Ih)

This Code and the DRS rules

Inform students in promotional and enrolment material that, as a signatory, your organisation has agreed to observe and be bound by the Education (Pastoral Care of International Students) Code of Practice 2016 (the Code) and the International Student Contract Dispute Resolution Scheme Rules 2016 (the DRS Rules).

Provide links to the NZQA website where copies of **the Code** can be downloaded and printed.

Direct your international students to the **iStudent Complaints** website for information about the Disputes Resolution Scheme.

NZQA also provides **information for international students on grievance procedures** under the Code and the DRS Rules. This link can be shared, or the information can be downloaded and given directly to international students, and their parents or legal guardians if under 18.

16A(1i)**Full costs related to an offer of educational instruction**

Establish your own policy, procedures, and documentation for communicating costs related to an offer of educational instruction to parents or legal guardians prior to enrolment, to ensure that full costs are disclosed.

Be clear about the types of costs that are likely to be included and which are not, so that there are no hidden costs. For example: indicate incidental expenses and their estimated costs.

Signal prior to enrolment any additional fees for optional tuition or activities (i.e. music lessons, school camps, etc.), so that students and parents or legal guardians if under 18 are aware at the outset.

Itemised invoices are an effective way to communicate full costs.

16A(2)**Rights and obligations information**

Consider the rights and obligations of your international students and develop information about these.

The Code outlines some rights and obligations for international students. Elements of this information must be included in the enrolment contract itself (→ see *clause 16B*). There may be additional rights and responsibilities you wish to make students aware of.

Consider when in the marketing, recruitment and enrolment process you will provide the information.

Consider how to clearly communicate these rights and obligations to your international students, and their parents or legal guardians if under 18, keeping in mind that English may not be their first language and that you are communicating across cultures.

→ *For more information, see the guidelines for clause 16B, 16C and 16D below.*

**Information provided could include:**

- international students' rights in relation to receiving educational instruction from your organisation. For example, the right to instruction from a suitably qualified tutor/teacher/instructor
- their rights under this Code
- information and advice about relevant organisational policies
- your international students' obligations in relation to receiving educational instruction from your organisation. For example, your code of conduct or behaviour management plan.

I6B Process: contract of enrolment

The contract of enrolment between your organisation and each international student or their parent or legal guardian if under 18 must include the following information:

I6B(1a)

Beginning and end dates of enrolment

Beginning and end dates of enrolment clarify the enrolment period, which is also the period for which the signatory has pastoral care responsibility for the student under the Code. There are some exceptions to this relating to insurance obligations (→ See clause 16D (2-3) and *Code Toolbox, outcome 3 for more information*).

I6B(1b)

Conditions for terminating the contract of enrolment

Make sure international students (and parents or legal guardians if the student is under 18) understand the conditions for terminating enrolment. Explain your code of conduct or behavioural management plan and possible consequences of breaches clearly to your international student, and where required, their parents or legal guardians.

I6B(1c)

Potential breach of the contract of enrolment

Think about the types of behaviour you consider a breach, including when the student is not under the immediate supervision of the signatory. For example, behaviour outside of classroom hours where an international student may have broken the law.

Consider how and where your international student (and their parents or legal guardian if the student is under 18) can find this information. For example, your organisation's Code of Conduct.

I6B(1d)**Disciplinary action**

Make sure your international students (and parents or legal guardians if the student is under 18) are aware of what the process will be when there is a breach of the contract of enrolment.

Your policies and procedures need to clearly explain what sort of disciplinary action you may take and in what circumstances, so that your international student (and their parents or legal guardians if the student is under 18) is fully aware of any consequences.

This information must be made available to the international student and where required, their parents/legal guardians, and should be comparable with the policies and procedures you have in place for domestic students, as far as practicable.

**Consider the following, for example:**

- what is the disciplinary process and consequence for an international student caught doing something against the law, i.e. stealing?
- how does the student's individual needs, age and cultural background affect application of the standard procedures?
- will they have an opportunity to improve their behaviour through a behaviour management plan or for a probation period?
- is the severity of the action sufficient for your organisation to take a stronger approach? (i.e. move towards suspension and/or expulsion and contract termination)
- how will you document disciplinary action procedures for each individual case. This includes meeting times/dates, meeting notes, formal communications, emails and any other relevant information.

Schools can use the template provided by the Ministry of Education which includes procedures for disciplinary action, derived from the existing procedures for domestic students in schools. Refer to the Ministry of Education's [Good Practice Part I Legal Options and Duties](#) and [Good Practice for behaviour Part II Guidelines](#).

Tertiary education organisations might consider adapting this information to suit their own context.

I6B (2)**Ensure that the enrolment contract is fair and reasonable**

A fair and reasonable contract of enrolment considers what is fair and reasonable to both parties. It has all necessary details upfront so there are no surprises. It allows for a considered common-sense and case-by-case approach to be taken to its interpretation and application.

I6C Process: disciplinary action

I6C

Disciplinary action

Any disciplinary action process that is taken by a signatory must be in accordance with the principles of natural justice (which include those necessary to ensure the prompt, considered, and fair resolution of the matter that is the subject of the action).



For examples of natural justice, refer to the State Services Commission's '[principles for natural justice](#)' or the Ministry of Education's '[Good Practice Part I Legal Options and Duties](#)'.

I6D Process: insurance

I6D

Insurance

The Code requires you to ensure "as far as practicable" that international students, including students travelling in a group, have "appropriate insurance" while enrolled with you for educational instruction of two weeks' duration or longer. Clause 16D sets out the minimum requirements of this insurance.

During the period of enrolment (as defined in the international student contract) this obligation remains the same for all signatories, regardless of the type of visa held by the international student.

For international students studying with you for less than two weeks' duration, there is no obligation on you as signatory to ensure any insurance coverage.



Recommendations for "ensuring as far as practicable":

The Code does not specify processes that you must follow to comply with clause 16D. Each signatory needs to confirm its own processes.

NZQA's expectation is that "ensuring as far as practicable" will include processes for:

- checking that a student has cover for the minimum clause 16D requirements
- clearly asking a student (or their parents or legal guardians if the student is under 18) whether they have any pre-existing conditions (to make sure that the insurance offered is "appropriate". This question may also be asked by the insurance company)
- if a pre-existing condition is disclosed by a student/parent, considering whether an additional premium can and should be paid to have the pre-existing condition covered and if so, determining whether the student (or parents/legal guardians if the student is under 18) should be required to pay this premium as part of their insurance (making sure the insurance is "appropriate" to the student's needs)
- advising all students (or parents/legal guardians of students under 18) of the limitations of their insurance policy (there are some things insurance policies do not cover, regardless of whether there is a pre-existing condition)
- making all students (or parents/legal guardians of students under 18) aware that they will be responsible for any costs not covered by insurance.

16D (continued)

Insurance

It is at your discretion to enrol an international student who has an exclusion on their medical insurance for a pre-existing condition.

However, if you choose to enrol an international student who has an exclusion on their medical insurance for a pre-existing condition, you must:

- ensure that the student's programme is appropriate for the student (→ see clause 16)
- have obtained written agreement from the parent or legal guardian of a student about any decisions made that affect an international student under 18 years (→ see clause 16E)
- still meet the standard requirements of the Code as for any international student, including taking "all reasonable steps" to protect the student's safety and wellbeing (→ see clause 5 (a)).

In this instance, NZQA's expectation is that "reasonable steps" will include:

- assessing any risk to be confident that there are appropriate measures in place to ensure that the student will be well-supported in their study, have access to any additional support required as per clause 25 ("international students at risk or with special needs"), and that the condition will not unduly impede the student's study
- making it clear to the student (and their parents or legal guardians if they are under 18) that they must cover any costs arising from the excluded condition.

Such assessment by a signatory should form part of the offer of place process and should be clearly communicated to students.

If student travel to, from, or within New Zealand occurs outside the enrolment period (as defined in the student contract), signatories must ensure "as far as practicable" that the travel is covered by Code appropriate insurance.

The intent of this clause is to ensure that international students have Code-appropriate insurance coverage from the day they leave their home country to the day they depart New Zealand to return home. This is to effectively manage risk to the safety and wellbeing of an international student embarking on study in New Zealand.

This intent is reflected in Immigration New Zealand's requirements for student visa holders (for further information on student visa obligations, see [Code Toolbox, outcome 3](#)).

For international students studying with you for two weeks or longer, who are student visa holders (or holders of other visa types whose primary reason for visiting New Zealand is study), it is expected that it will be "practicable", in most instances, for you to ensure that these students have Code-appropriate insurance for travel to, from, and within New Zealand, even if the travel occurs outside the enrolment period.

In an instance where it is not "practicable", you should document the steps you have taken to ensure "appropriate insurance" and at which point it was no longer practicable to do so and why.

For non-student visa holders, i.e. students who are holders of visitor, work, working holiday or other types of visas, and for whom study is not the primary purpose of visiting New Zealand, it is unlikely to be "practicable", in most instances, for you to ensure appropriate insurance for travel to, from, and within New Zealand outside of the enrolment period. Again, this aligns with INZ's requirements for holders of these visa types (see above).

I6E**Decisions requiring written agreement of parent or legal guardian**

Written agreement from the parent or legal guardian of an international student under the age of 18 is required, where appropriate, for any decisions affecting the student. There are occasions when the permission of the parent or legal guardian cannot be obtained. In these instances, you should make clear to parents or legal guardians how you plan to inform them.

Examples where written agreement is required include:

- permission to go on school camps
- in an unexpected event, for example to re-locate the student or take them to hospital to seek urgent medical care
- changes to accommodation.

Outcome 4: Immigration matters

O4

 [Link to outcome 4 in the Code](#)

Signatories must:

- (a) ensure that they do not allow or continue to allow a person to undertake educational instruction if that person is not entitled under the Immigration Act 2009 to undertake the educational instruction; and
- (b) take reasonable precautions and exercise due diligence in ascertaining whether international students are entitled under the Immigration Act 2009 to undertake the educational instruction for which they enrol.

The intent of this outcome is to ensure signatories are confident that the international students they enrol meet immigration requirements to study in New Zealand.

This means that you are up to date with current immigration requirements and have robust processes in place for checking student visas prior to enrolment, monitoring student visa validity during enrolment, and reporting any suspected breaches to Immigration New Zealand.

Navigating these guidelines

Under 18 year old and/or under 10 year old students

Headings specific to under 18 year old and/or under 10 year old students are highlighted in blue.

Icons are used throughout the document to help signatories locate information:

-  'Star icon' signals suggestions for good practice
-  'Arrow icon' draws attention to website resources.

18. Process

18(a)

Ensure that each international student who enrolls with you has the necessary immigration status for study in New Zealand

Familiarise yourself with current immigration requirements

In order to know whether students you are enrolling have the appropriate immigration status, you must be familiar with current immigration requirements for study in New Zealand.

Immigration requirements and questions relating to a student's immigration status rest with Immigration New Zealand.



Full details of immigration requirements, advice on rights to employment in New Zealand while studying, and reporting requirements are available from Immigration New Zealand and can be viewed on their [website](#).

It is your responsibility to ensure that relevant staff are up to date with immigration requirements for study in New Zealand.

As a minimum, you should be aware that:

- a student visa (or a limited visa granted for the purpose of study) is required for international students coming to New Zealand to study for more than three months. Study must be the main purpose of the visit
- a student visa is subject to conditions and any breaches must be reported to Immigration New Zealand
- visa conditions include, but are not limited to:
 - having sufficient funds for living and studying in New Zealand
 - attending classes at all times unless there are genuine reasons for any absences, and making satisfactory academic progress
 - studying at the place of study specified on the student visa
 - having acceptable insurance for the duration of the student visa
 - working no more than the hours specified on the student visa (NB: year 12 and 13 school students may apply for a variation of conditions with permission of the school to allow them to work up to 20 hours per week).
 - living with a parent or legal guardian if required.

Checking and monitoring the student's entitlement to study

Checking students have the valid and appropriate visa **prior** to enrolment can be done in a number of ways, including:

- using [Immigration New Zealand's VisaView](#) service
- sighting the international students' visa in their passport.

When sighting the visa, check for the following:

- that the name of your organisation is the one stated on the visa
- that the dates on the visa are current
- that the student is enrolling/enrolled in the programme and campus that is stated on the visa.

18(a) (continued)**Ensure that each international student who enrolls with you has the necessary immigration status for study in New Zealand**

It is important to keep accurate records, including the following:

- a photocopy of the title page and the visa page of the student's passport
- a copy of the VisaView enquiry results page
- a record of commencement and expiry dates of the visa
- a copy of the international student's insurance policy.

You need to have processes in place to monitor the ongoing validity of your students' visas during the period for which they are enrolled with you, to ensure that they continue to meet their visa conditions. For example, processes to monitor international students' academic progress, attendance, and expiry dates of visas.

Immigration New Zealand may request evidence from signatories to confirm that their international students are complying with visa conditions.

Further information about Guardian/Visitor visa conditions (for international students under the age of 18)

If a parent is accompanying an international student for the sole purpose of education in New Zealand, the parent's visa must state the name of the dependent (international student) that the parent is responsible for while living in New Zealand. The international student must live with their parents (or legal guardians).

Schools can complete routine checks to see if students are living with their parent/s and that they are still in New Zealand. Should a school find that a parent or legal guardian is no longer living in the home or has returned to their home country, they need to inform Immigration New Zealand, as well as continue to apply outcome 6 of the Code to ensure the safety and wellbeing of the student in question.

→ See *guidelines for clause 24 Process: international students under ten years*.

18(b)**Report suspected breaches to Immigration New Zealand**

Known or suspected breaches of visa conditions by international students must be reported to Immigration New Zealand. If you suspect an international student has breached their visa conditions, contact Immigration New Zealand at educationproviders@mbie.govt.nz.

18(c)**Notify Immigration New Zealand of terminations of enrolment**

If an international student's enrolment is terminated before the end of the anticipated enrolment period, you must notify Immigration New Zealand by completing the termination of enrolment form on the [Immigration New Zealand](#) website.

Outcome 5: Orientation

05

 [Link to outcome 5 in the Code](#)

Signatories must ensure that international students have the opportunity to participate in a well-designed and age appropriate programme that provides the information and advice necessary for a student at the outset of their educational instruction.

The intent of this outcome is to ensure that international students, and where relevant their parents or legal guardians, participate in a robust orientation programme developed to help them settle in to life and study in New Zealand.

2019 amendments to outcome 5

As part of your orientation programme, you are also required to provide information about the international student's rights and entitlements, including any entitlement to a fee refund if the student voluntarily withdraws from your organisation (→ see *clause 20(1g)*).

There is also a requirement under outcome 7 that you provide students with information and advice on how to adjust to a different cultural environment in New Zealand. While this is not an explicit requirement for your orientation programme, you may wish to consider at which point/s in your students' 'lifecycle' such information is best provided. As noted above, it may be that some cultural adjustment information is provided at orientation, as well as later in the enrolment period.

Navigating these guidelines

Under 18 year old and/or under 10 year old students

Headings specific to under 18 year old and/or under 10 year old students are highlighted in blue.

Icons are used throughout the document to help signatories locate information:

-  'Star icon' signals suggestions for good practice
-  'Arrow icon' draws attention to website resources.

Good practice for orientation

- Orientation is not necessarily a one-off presentation – it is a programme that can run from before a student arrives, through the first weeks, and possibly even months after they get here. There is a natural flow-on from the orientation period into the advice and support that you provide for the ongoing safety and well-being of students.
- Students are likely to need some information before they get here, so they can learn about what life and study will be like in New Zealand, and learn about the unique aspects of your institution, location, and community.
- Agents also play an important role in orientation and support. They are often the main source of information for pre-arrival information, orientation, and support for students. It is vital that you provide agents with ongoing training and support, consider prescribed actions within agent contracts, and have a process in place to gain feedback from students around the information agents provide.
➔ See *outcome 2 section for further guidance.*
- Students may not be able to absorb the information at once. A good orientation programme will consider information overload. A planned approach where you “triage” the most important information and provide it at key points in time will assist students to digest information. For example, information for the first few days after arrival might include navigating the airport, what to expect on the first day, who to contact for help, etc. You may consider giving the student this information prior to arrival. You can then progressively give out more information as it becomes relevant.
- Tailoring orientation information to your particular learners is also important. For example, you may have short-term students where issues such as homesickness may not be as relevant.
- Checking students’ understanding of information and putting in place ways to repeat important messages will help students not only to cope with their study, but also manage the impact of living and studying in a culture foreign to them.

20. Process

20(1a)

Providing information on institutional policies

As signatory, you need to decide which policies are relevant to your international students and to inform them accordingly.

Consider if your policies for domestic students sufficiently include international students' rights and responsibilities, and if any amendments are required. You may need to develop new policies specifically for international students.

Make sure your international students have access to the relevant policies and remind them regularly, so they know where to find this information.



Some ways to ensure students have access to policies:

- a policy list in student handbooks
- send the policies with the offer/enrolment/contract
- have a policy folder in a central location for international students to access
- place your policies on your website.

20(1b)

Providing information on services, support and facilities

Include services and facilities provided within your organisation, such as academic and pastoral care support, and how students can access services and make the most of them.

Do your research and if relevant, include available community-based services your international students can access, including health and youth support services, sports teams, extra-curricular activities, careers support, religious groups, arts, music, and cultural clubs. This helps international students feel connected with the wider community.



Consider when, where, and how you provide this information, for example:

- on your website
- student handbook
- in meetings with students and parents
- social media.

20(Ic)**Providing names and contact details of designated staff members**

Signatories are required to provide a 24/7 contact number for international students and their families in case of an emergency (→ see *outcome 6, clause 22 (e)*). It is good practice for one or more senior staff members, who are experienced pastoral care practitioners, to hold and/or share this responsibility.

Ensure your international students understand what the emergency contact is for and give them some examples of when they should use it.

Be sure to define what an emergency is so they understand that the designated contact person is not the same as emergency services. Your international students need to know when to call 111.

**Consider how you can effectively provide this information to students, i.e.:**

- lists on walls
- emergency cards
- in the student handbook
- a mobile phone application
- on your website.

20(Id)**Providing information on health and safety**

The health and safety information you provide will depend on what is appropriate for your international students' age range and needs. You will need to make decisions about this and tailor your information accordingly.

**Consider how you might:**

- prepare international students for culture shock, such as New Zealand's different way of teaching, cultural norms and the emotional phases of change
- make sure that international students know there are health and safety support services available to them and how they can access these
- provide information about off-site health and safety services available to international students, and how to access these
- consider how international students can access the support they need, including language support
- develop staff awareness about students experiencing culture shock, providing health and safety support, and the procedures to access these services, so they understand and can look out for the wellbeing of international students in their class.

20(Id) (continued)**Providing information on health and safety****Health and safety information might include:**

- how to cope with culture shock
- available welfare facilities, including personal health services, mental health services, drug education and counselling
- water and road traffic safety, including pedestrian and cycling safety
- culturally appropriate behaviour in New Zealand
- sexuality education, health promotion, and sexual and reproductive health services
- relevant New Zealand laws, including laws on the sale of alcohol and tobacco products

**The following links may be useful:**

[Water Safety New Zealand](#)

[NZTA information for visiting drivers Drive Safe](#)

[Tenancy Services](#)

[Alcohol laws and penalties Sun safety](#)

[Budgeting resources](#)

[Sexual and reproductive advice for international students](#)

[Earthquakes and other natural disasters](#)

20(Ie)**Providing information on grievance procedures**

You must provide information about:

- your organisation's internal grievance procedures for raising concerns and/or making a complaint
- external grievance procedures, including how and when to contact iStudent Complaints (the dispute resolution scheme operator for the Code) or NZQA (the Code administrator).

This information is provided to ensure that international students understand how to raise concerns and/or make a complaint about your organisation.

**This information could be provided in:**

- your international student handbook
- offer of enrolment/contract
- your organisation's website
- posters displayed around campus.

20(1e) (continued)**Providing information on grievance procedures**

The following links may be useful:

Poster on how to make a complaint under the Code

Dispute Resolution Scheme operator, iStudent Complaints

20(1f)**Providing information on termination of enrolment**

This process relates to offers, enrolment, contracts and insurance in the Code for the conditions of termination and termination process (→ *See the guidelines for outcome 3*).

Consider:

- how you might help your international students (or parents or legal guardians if under 18) understand the circumstances and processes relating to the termination of their contract of enrolment
- your organisation's behaviour management policy or student code of conduct and how this might relate to the international students' performance leading to the termination of their contract of enrolment.

20(1g)**Providing information on student's rights and entitlements**

Signatories must ensure that the fees paid by international students for a programme of study in New Zealand are secure and protected in the event of a student withdrawal or provider's closure.

This information can be included in the international student handbook or offer of enrolment, or be made available before arrival, on arrival or during their enrolment.

→ *More information about managing withdrawal is included in outcome 8.*

20(2)**Ensuring that parents, legal guardians, and/or residential caregivers of students under 18 have access to orientation information or the programme provided**

This is a requirement to ensure that the relevant caregivers of international students are aware of the information that you have provided to students, so that they can also support students to find the information they need throughout their enrolment period with you.

The key words here are "have access to". Please note this is not a requirement to run a separate orientation for parents and caregivers of international students who are planning to live in New Zealand, to assist them to settle in to New Zealand. You may wish to support parents in this way, but it is not a requirement of the Code.

**Consider, for example:**

- the scope of orientation information required by parents, legal guardians, or residential caregivers. This will depend, for example, on the age of the students and whether parents are accompanying the student to New Zealand or living overseas.
- how to communicate effectively with parents whether in New Zealand or overseas
- how best to provide orientation information to parents, for example, over a period of time, in the international student's first language, and for individual situations
- to what extent you will help parents feel welcome, ensure they have access to good support while living here, and be able to make informed choices.

Outcome 6: Safety and well-being

06

 [Link to outcome 6 in the Code](#)

Signatories must:

- (a) provide a safe study environment for international students; and
- (b) provide adequate support for the well-being of their international students; and
- (c) as far as practicable, ensure that international students live in a safe environment.

The intent of this outcome is to ensure that international students are safe and well while living and studying in New Zealand.

2019 amendments to outcome 6

- 23(1eiA) The Code requires transfer of care arrangements *during* the period of enrolment.
- 23(1eii) Written confirmation from parents or legal guardians of the plan for transfer of care is not required but they need to be notified of each transfer of care plan.
- The definition of “residential caregiver” now includes a manager of accommodation operated by a tertiary provider (⇒ see clause 7(1)).
- 26 and 26(A) A tiered approach of checks to support international students’ safety and well-being:
 - 26(1b) A ‘safety check’ is required for residential caregivers
 - 26(1ba) An ‘appropriate check’ is required for anyone 18 years and over residing with the residential caregiver.
- 26(1bb) A written agreement with the residential caregiver is required to specify the role and responsibility of each party in relation to the care of the international student.

Navigating these guidelines

Under 18 year old and/or under 10 year old students

Headings specific to under 18 year old and/or under 10 year old students are highlighted in blue.

Icons are used throughout the document to help signatories locate information:



‘Star icon’ signals suggestions for good practice



‘Arrow icon’ draws attention to website resources.

Good practice for safety and well-being

Cross-cultural awareness

Remember that your international students are away from home, in a different culture, a new environment, and may have limited English language proficiency.

Depending on their cultural background, international students may engage with support services and staff differently. Some will have no problem finding and accessing the advice, information, support and services they need, and which you readily provide. Others may be unfamiliar with, for example, appointment systems, or having to go to different staff members for different problems. Some students will find it challenging to report to staff things they are unhappy about or struggling with, particularly if they view those staff members as being in a position of authority or think it may affect their academic grades.

Consider cross-cultural training for your staff to develop their competency and understanding of other cultures. Cross cultural training can be provided during staff meetings, as part of their professional development, at community meetings, or in a handbook about relevant cultures.

Be proactive

Look for signs of distress in a student or if something is not right. Create a linked chain with all your staff, residential caregivers, the wider institution and community who are in contact with students. Do not rely on just one support person. Involve teaching staff, residential caregivers, other students/buddies, the local community. This allows the student many opportunities to speak to someone. If someone then sees that something is not right, they will pass the information on to a person who can follow up. Signs of distress include unexplained absences, poor performance, displays of strong emotion, lack of engagement, and lack of response when contacted.

Age-appropriate support and students here with family

The type and amount of guidance required is dependent on the age of the student and their living arrangements. Accommodation arrangements need to be sustainable for the time students are studying. Students over 18 are considered adults and therefore while you can provide advice and support, decisions are ultimately those of the students. A similar situation occurs for students who are living with their parents – students who are living with family are likely to have more support than those who are new to the country and are alone. When thinking about the type and amount of guidance required, it is worth considering that international students over 18 are often more vulnerable than domestic students over 18 OR of the same age.

Expect the unexpected

Unexpected issues, particularly if they involve the mental health of the student, may require time and specialist resources. Some situations may become challenging when they are not “extreme” enough to pass to an agency but are still a major issue for you to manage.

Factor this into your staffing and resourcing of provision for international students. Consider what additional support your international student staff may need when dealing with international student issues to ensure that roles are safe and sustainable.

22. Process: general

22(a) and (b)

Managing inappropriate behaviour

Signatories must develop and implement policies and procedures so that instances of inappropriate behaviour by, or impacting on, international students are dealt with fairly and effectively.

It is important for all staff in your organisation to be aware of the channels to follow when working with an international student who may need support with unsatisfactory conduct.

When there is a serious issue, it is important that staff in your organisation know who to contact and who can support the international student. For example, it is good practice if the designated staff member in charge of international students under 18 in your organisation is known to all staff.

Check that your behaviour management policy and procedures are:

- fair and effective
- communicated to staff
- communicated to international students (and if under 18, their parents/legal guardians)
- implemented as planned.

Outcome 3 requires signatories to clearly communicate behavioural expectations and disciplinary procedures in the international student enrolment contract (→ see *clause 16B (1) (b-e)*) and again at orientation (→ see *clause 20 (1) (a)(d)(f)*).



Consider ways to help students:

- understand what is considered inappropriate behaviour in your organisation
- understand the possible consequences of inappropriate behaviour, especially if these are conditions for termination of enrolment
- know where to go to get support if they are being bullied
- understand the avenues they can use if another student's behaviour is impacting on them.

22(ci)**Advising students how to report and address health and safety issues**

Think about the information your international students will need to identify, report, and address health and safety issues.

Consider the structures and systems you have in place for reporting and addressing health and safety issues for domestic students. Some of these will need to be adapted for international students. For example, what is the process if an issue arises at a homestay?

**Other suggestions on how you can meet your international students' needs:**

- provide an orientation programme for your staff, homestay and the community
- include information about how to support international students
- consider the developmental needs of younger international students that may require increased sensitivity because their parents are not available
- include information about ways to report and/or address potential risks in living in a new culture and away from home, such as becoming involved in higher risk personal relationships due to feelings of loneliness, and the potential for experimentation with alcohol and drugs.

22(cii)**Advising students on how to respond to an emergency**

Provide your international students with the information they need to respond to the types of emergency likely to occur on or off campus.

It is good practice to have critical incident plans to respond to different types of emergencies. Procedures for critical incidents and emergencies need to meet the needs of your international students and their age group. This includes providing first language support, where necessary.

A designated international student staff member should be part of the critical incident team to represent the needs of your international students. Critical incident plans should be reviewed regularly.

**When developing a critical incident plan, consider:**

- what emergencies might occur in your context
- how you can prepare your international students to respond in an emergency
- what information they need about how to respond in an emergency
- how to communicate this information to your international students. For example, an emergency pocket card can be given to international students to ensure they have instant access to emergency contact information and phone numbers.

Signatories can contact the Ministry of Education's 24/7 crisis team in the case of a critical incident. The Ministry of Education's crisis team will advise signatories on the steps to be taken.

22(cii) (continued)**Advising students on how to respond to an emergency**

Developing a critical incident plan that covers all situations can be difficult. Plans need to cover a lot of details and have processes to connect to external agencies such as insurance companies, hospitals, embassies, government agencies, etc.

You will also need to keep in mind that incidents may end up including the whole organisation, for example if media is involved, if an embassy or high commission liaison is required, or if there is a need for victim support.



For guidelines for dealing with emergencies and traumatic incidents see [Ministry of Education advice](#).

22(ciii)**Advising students on how to access health and counselling services****You might consider:**

- adapting the ways your services are accessed to meet your international students' needs and approaches, for example having an open door, drop-in policy instead of an appointment system
- working with external providers so your international students have accurate information about how to access their services
- checking if your international students' insurance provider will cover counselling services
- how best to communicate information to your international students. For example:
 - first language support
 - during orientation
 - in your international student handbooks, prospectus and website
 - a tour of your organisation to show students where these services are located if available on site
 - through regular academic and welfare monitoring meetings.

**Services can include:**

- health (school nurse or medical centre after-hours medical and disability services)
- peer support
- pastoral support (international student advisors, deans, first language support person)
- counselling and mental health support – www.mentalhealth.org.nz/home/our-work
- external agencies, including community ethnic groups to assist international students adapt to New Zealand culture and way of life.

It is good practice to make clear to parents or legal guardians of students under 18 years that counselling services are confidential unless a student is at risk to themselves or someone else.

22(civ)**Advising students on how to engage with relevant government agencies**

Consider keeping a list of key contacts for government agencies that can assist if there are any concerns about your international students.

If appropriate, have processes in place to support your international students (and their parents or legal guardians if under 18) to contact these agencies.

Consider organising a meeting with the local community police constable for new international students.

22(d)**Have up-to-date contact details for each international student and their next of kin**

Check regularly that the information you collect from your international students is up to date.

Contact information includes names, contact details in New Zealand and in their home country, passport number, national ID number and insurance and visa information.

It is good practice to hold paper copies of this information in multiple places both off site and onsite, in case of an emergency.

22(e)**Ensure that at all times there is at least one (1) staff member available to be contacted by an international student in an emergency**

The Code requires that you have at least one staff member available to be contacted 24/7 by international students in an emergency.

**Good practice for a 24/7 emergency contact includes:**

- sharing the responsibility between several senior and experienced staff members
- ensuring they know where to get information, who to contact and what needs to be done in case of an emergency
- being clear with your international students about the types of situations they can use the 24/7 contact, and when they need to use national emergency services (111)
- thinking about the best way to give the 24/7 contact number to your students so they can access it in an emergency
- deciding if it is helpful and possible for students to have a 24/7 first language contact person.

23. Process: international students under 18 years

2019 amendments to clause 23

- The Code requires transfer of care arrangements during the period of enrolment.
- Written confirmation from parents or legal guardians for the plan for transfer of care is not required, but parents or legal guardians must be notified of the plan.

23(1c)

Maintaining effective communication



Suggestions for good practice:

- have a communication plan in place to ensure timely and appropriate communication with parents/ legal guardians and if relevant, residential caregivers so they are kept informed about the student's well-being and progress in study
- consider the type of information you will communicate about, i.e.
 - general progress – school reports, newsletter/emails of the school's events
 - success of the accommodation placement and any changes to placement
 - how the student is settling in
 - student holiday and travel arrangements
 - illness and emergency situations
 - concerns and complaints, including absences and non-completion of work
- consider the frequency of your communications with all parties. How regularly is enough to ensure the communication is effective, i.e. ensures the student is safe and well? Parents of very young international students may want to hear from signatories more often
- note that parents of international students are entitled to the same progress information that is required by school policy for domestic students. This includes school reports and other progress information. You could send reports to parents directly, and/or to the agent and residential caregiver, where appropriate
- discuss and agree communication options before enrolment as part of the enrolment package to eliminate any misunderstandings. For example, some parents prefer it if the signatory communicates through their agent; others prefer signatories to contact them directly
- in your written agreement with the residential caregiver, consider your expectations of how and when they should communicate information to you, and how you will communicate any important information to them. For example, attendance issues, homesickness, health issues, etc.
- make sure parents and legal guardians are aware of the role of the residential caregiver and that information may be shared in order to ensure the student is safe and supported outside of your organisation. If necessary, this could be established in the student contract or homestay agreement
- consider privacy and other relevant laws in all communications. Have a plan in place for communicating with parents or legal guardians when something goes wrong. Always keep the best interests of the student in mind.

23(Id)**Designating at least one (I) staff member to monitor students under 18**

For some providers, there may need to be several staff with this responsibility.

**Factors to consider when assigning staff members to monitor the needs of international students include:**

- number of international students in the organisation
- ability to communicate with international students
- frequency of intakes per year and orientations required
- age of students
- the home country and culture the student has come from
- type of accommodation.

Consider how you can resource and support this role.

International student needs for pastoral care can be unpredictable and can happen outside your school's teaching time.

23(1e)**Transfer of care, for the student who is in the care of a residential caregiver**

Transfer of care applies to international students between 10 and 18 years in the care of a residential caregiver. Transfer of care does not apply to international students under 10 years of age, who must live with a parent, legal guardian or in an approved school hostel.

A transfer of care arrangement may be to the student's parent, legal guardian or another person nominated by the parent or legal guardian.

Ensure that a plan is in place for the transfer of care of the student, *for each transfer that occurs during the period of enrolment and for the transfer that occurs at the end of enrolment.*

**You might consider the following when arranging transfer of care:**

- what needs to be included in the plan, i.e.:
 - flight bookings
 - arrangements for getting your international student to the international airport
 - travel arrangements for international student from his/her residential caregiver to the nominated approved person
- being clear who is responsible for the pastoral care of the student and at what stage
- including an additional section in the enrolment contract relating to transfer of care
- identifying the basic criteria for any named person approved for transfer of care, which could include:
 - being 18 years or over
 - being known to the student and the parent or legal guardian
 - agreeing to take responsibility for day-to-day pastoral care during the agreed period
 - agreeing to communicate regularly with the residential caregiver and/or your organisation during the agreed period. For example, email, text, phone call, WeChat, etc.
- alerting parents if you suspect that the nominated person they have approved does not meet the agreed criteria, or if there are any other concerns regarding the transfer of care
- keeping a dated, written record of all communication.

24. Process: international students under 10 years

24(I)

International students under 10 years must live with a parent or legal guardian, unless they are accommodated in a school hostel

All international students under 10 years of age enrolled with a signatory must live with a parent or legal guardian, or in an approved school hostel, for the length of their enrolment.

This applies to all international students, whether they are here long-term or for a short-term visit as part of a group.

→ See *clause 7* for the definition of a legal guardian. To become a legal guardian, the person must be appointed by court or testamentary appointment. Relatives or designated caregivers are not the same as legal guardians.

A list of approved hostels can be found with the Ministry of Education. Please contact them at hostel.licensing@education.govt.nz

Your systems need to ensure that any international student aged under 10 is living with a parent/legal guardian during their enrolment. Parents cannot be absent, for example travelling in New Zealand or returning to their home country while their children are here at school.



Ways to monitor that the student is genuinely living with their parents:

- always request proof of legal guardianship. As required, seek legal advice on the authenticity of any documents
- introductory visits by school staff to the home to establish contact
- as part of the student's enrolment, check to see what type of visa the parents hold. In cases such as this, most parents will hold a 'guardianship visa'. Their visa should cover the same period as their child's visa
- ensure the enrolment contract clearly outlines conditions for enrolling under 10-year-old students and the school's process if a parent has to leave the region or country but leave the student behind. Parents should be aware of these conditions before enrolment so there are no misunderstandings
- invite parents into the school to make them feel welcome
- ask international students' teachers to tell you if they suspect that the parents are absent or if they notice someone else is bringing the international student to school
- ask teacher(s) to let you know of any information in student's work indicating that the parents are not at home
- check the parents' signature on notes or homework sent home
- check that parents attend student/teacher interviews.

Any actions taken by the school need to have the safety of the young international student as the number one priority.



See further examples of good practice in the [Code Toolbox, outcome 6](#).

25. Process: international students at risk or with special needs

25(1a)

Ensuring that appropriate measures are in place to address needs and issues

Determining which measures are “appropriate” is a decision that you need to make as signatory, based on your particular at-risk or special needs learners and their context.

Under the Code, you are required to ensure the right measures are implemented, and to check their appropriateness through your ongoing processes of self-review.

Sometimes you will identify at-risk or special needs students prior to enrolment. Other times unexpected issues will arise for students during the enrolment period.



When determining which measures are appropriate, consider:

- drawing on and adapting the policies, processes, and resources that you already have in place for at-risk or special needs domestic students
- the age, maturity, and cultural/linguistic background of the student
- whether the issues were disclosed by the student/parents/legal guardians prior to enrolment, or whether they have surfaced
- what your enrolment contract says about such needs and issues arising, particularly in a case of non-disclosure
- the length of time the student has been enrolled with you
- the longevity of the issues and whether things are improving or deteriorating
- your organisation’s capacity to provide the required support to the student
- which measures may need to be provided by external parties
- whether there will be an extra cost for the measures and who will pay (NB: international students are not usually eligible for Ministry of Education’s Special Needs Funding)
- how you should communicate with the student, relevant staff, other agencies, the student’s parents/next-of-kin, residential caregivers, etc., in accordance with the principles of the Privacy Act 1993
- how you will document the case, any communications, and the measures undertaken and their effectiveness
- at which point a deferral or termination of enrolment may be the best course of action
- providing supervision and mental health/wellbeing support for staff involved in supporting at-risk or special needs students. At times, this can be very stressful
- ensuring that no staff member acts in silo when dealing with at-risk students, and that serious cases are handled by senior and experienced staff.



The [Mental Health Foundation](#) website offers some valuable support in relation to mental health.

25(Ib) and 25(Ic)**Informing parents, legal guardians, or next of kin and reporting issues to relevant agencies**

For all students, but especially those aged over 18 years, consider how much information you need to communicate to their parents or next-of-kin.

Ensure all communications comply with the Privacy Act 1993. There may be different requirements for students aged under and over 18.

If possible, communicate with your parents/legal guardians or next-of-kin as soon as issues come to your attention. Keep them informed as the situation evolves.

**Good practice considerations:**

- check that you have procedures for escalating issues
- staff and residential caregivers should be informed of the process
- before reporting on the issue, check your obligations under the Privacy Act 1993. Consider if the student wants the issue reported and try to obtain the student's consent before any personal information is disclosed, even if reporting is mandatory.

26. Process: accommodation

2019 amendments to clause 26 Process: accommodation

- The definition of residential caregiver includes a manager of accommodation operated by a tertiary provider (→ see clause 7).
- A tiered approach of checks to support international students' safety and well-being (→ see clause 26 and 26A):
 - a 'safety check' is required for residential caregivers (→ see clause 26(1)(b))
 - an 'appropriate check' is required for anyone 18 years and over residing with the residential caregiver (→ see clause 26(1)(ba)).
- A written agreement with the residential caregiver is required to specify the role and responsibility of each party in relation to the care of the international student (→ see clause 26(1)(bb)).

Good practice for accommodation

Scope of signatory responsibility for accommodation

The scope of responsibility around accommodation depends on the age of the student, the type of residential caregiver, and whether accommodation has been organised by the signatory, by the student themselves, or through a third party such as an accommodation agent.

If using an agent, you must ensure that the agent is compliant with the Code.

If you have arranged accommodation, no matter what the age of the student, you are responsible for ensuring that the accommodation is fit for purpose.

Things to look for to ensure safe and acceptable accommodation include:

- level of safety and security
- location
- standard of bathrooms and other facilities
- standard of cleanliness
- temperature and heating
- appropriate bedroom furniture
- appropriate linen and bedding
- study desk and chair with adequate lighting
- provisions for emergencies, i.e. first aid supplies, smoke alarms
- whether the physical and emotional environment is safe for the student.

Students aged under 18

26(1a)

The international student's accommodation is safe, is in acceptable condition, and meets all regulatory and legislative requirements



Suggestions for good practice:

- include home visits and accommodation requirements in the residential caregiver agreement
- explain your home visit expectations to parents of international students in case they want to designate a caregiver
- visit student accommodation at planned intervals to ensure the accommodation provided is maintained at an acceptable standard (see guidelines above on "What to look for to ensure suitable accommodation")
- visit the accommodation while the student is present to gauge the interactions between the student and the residential caregiver
- request a declaration from residential caregivers that their home meets all relevant legislative requirements so that this can be used as evidence that living conditions are deemed safe. Spot-check this at a visit
- ask about accommodation at scheduled or informal meetings with students to monitor issues arising
- keep good records and document your visits so that you have evidence of your practice when undertaking self-review or should any grievances arise.

26(1)(b and ba)**Safety checks and appropriate checks are completed and up to date**

Safety checks are required for all residential caregivers at least every three years, except for in the case of temporary accommodation (short-stay visits) when the supervisor meets the requirements under 26A(2) of the Code:

- the residential caregiver is a supervisor
- is not a resident of New Zealand
- is travelling with and accompanying the international student for the purpose of supervising him/her during the student's educational instruction.

Safety checks are to protect your international students, as far as practicable.

These requirements mirror the safety check requirements under the Children's Act 2014.

Take a risk-based approach to safety. Consider the kinds of risks students may be exposed to and how they can be protected.

All information obtained during the safety check process is confidential.

Processes must be in place to protect the privacy of participants, including any information obtained through the police vetting process.

Appropriate checks are also required at least every three years for any person aged 18 or over who resides at a residential caregiver's accommodation if that person is temporarily residing there, or if they reside there for 5 or more consecutive nights in any month.

**When determining whether a check on other residents aged 18 and over is 'appropriate', consider:**

- what checks to carry out for people 18 years or over residing at the residential caregivers to ensure the safety of international students
- whether the components of the full check are appropriate, including the measures you already have in place
- applying the full safety check to start with and then reducing the components of the check once you have a more practical sense of what is enough to give you assurance
- that an appropriate check of a person 18 years or over who lives with the residential caregiver may not be at the same level as for a residential caregiver. For example, a tertiary hostels registration process might have sufficient safety check information to give a signatory confidence an international student will be safe in the hostel
- developing a clear organisational policy on safety checks and appropriate checks for all staff to follow.

26(1bb)**Written agreement with the residential caregiver**

Signatories are responsible for ensuring there is a written agreement in place with each of its residential caregivers who are accommodating students aged under 18.

The written agreement (or contract) must specify the role and responsibilities of each party in relation to the care of the international student so that both parties are clear about where their responsibilities lie.

**Good practice suggestions:**

- make sure the residential caregiver is aware of your expectations when caring for an international student. For example, the level of support they are expected to provide for the international student, which might include taking the student to a doctor, helping them to integrate within their communities, the sort of meals they need to provide (and how often), etc.
- expectations on how and when to communicate with your organisation. For example, if the residential caregiver notices a change in behaviour with the student such as staying in bed longer than usual, not eating, or an event that may impact on the student's well-being, etc.
- outline the organisation's processes, for example school permissions, transfer of care arrangements, etc
- expectations of when and how often the residential caregiver will be paid
- outline what the student is responsible for. For example, payment of personal products, extra snacks, etc.
- provide information of what you expect the residential caregiver to ideally provide for the student. For example, their own room, a bed, desk, unlimited internet, house key, smoke alarm in their room, laundering clothes, etc. Here your expectations may be informed by student and parent feedback you have gathered
- consider holding residential caregiver workshops/evenings to ensure all residential caregivers are clear about what to expect of your organisation and your international students. It is also a good opportunity for residential caregivers and, if appropriate, your students to meet one another and offer support
- consider developing a residential caregiver handbook that can be shared with international students, their families, and agents so everyone is aware of expectations.

26(1d)**Student interviews and home visits to monitor and review the quality of residential caregiver****Some suggestions for practice:**

- consider what systems you need to have in place for effectively and efficiently monitoring and reviewing the quality of residential care for your international students aged under 18
- consider whether you will interview students or visit the home first
- consider whether the home visit will be planned or spontaneous, i.e. whether you will give the caregiver lots of notice or short notice. You may need to outline your home visit process in the residential caregiver agreement to manage expectations
- there is no set approach to student interviews, which could be conducted in person, over the phone or by video chat
- when interviewing:
 - use an interview template so you ask the same questions each time and gather baseline data. This will help you to identify trends at particular residential caregivers and about your students in general
 - ask open-ended questions or prompts that allow the international student to open up and provide the information you need. For example, “Tell me about...your room/your sleep/the food you are eating/how you spend the evenings, etc.”
 - remember to keep the language plain and simple, to ensure students who are speakers of other languages understand what you are asking
 - remember that students from some cultural backgrounds will not tell you immediately or directly if there is a problem. You may need to ask the same question in several different ways throughout the interview. Be prepared for some students to tell you about big problems only at the very end of the interview! If possible, allow extra time for this
 - have a documented process in place to follow when discussing accommodation, so you can file notes to refer to later as required
 - refer problems to the appropriate staff member, service or agency
 - follow-up any serious concerns immediately.

26(1e)**Written agreement that the designated caregiver is subject to the signatory's approval and clarification around responsibilities**

Designated caregivers are relatives or close family friends designated in writing by a parent or legal guardian of an international student under 18 years as the caregiver and accommodation provider for that student.

A committed and ongoing relationship between the international student's family and the designated caregiver is an important element of a successful designated caregiver placement.

Parents and legal guardians must also agree in writing that the designated caregiver is subject to the signatory's approval – not only at the outset of the arrangement but their continued approval throughout enrolment – and that the signatory is not responsible for the international student's day-to-day care when the student is in the custody of the designated caregiver.

As with all other types of residential caregiver, safety checks and appropriate checks for designated caregivers and anyone aged over 18 residing with them, must be completed and up to date before signatory approval is given.

Ensure there is flexibility to remove international students from a designated caregiver if Code requirements are not being met. For example, you could include scheduled home visits as a condition of the written agreement.

26(1ea)**If the student's residential caregiver is a supervisor:
written agreement to clarify responsibilities**

You will need to have a process to ensure that the parent or legal guardian of the student has provided written agreement that the signatory is not responsible for the student's day-to-day care when the student is in the custody of a supervisor.

26(1f)**Appropriate separation of international students from others of different ages in the accommodation**

This relates to the safety of international students in their accommodation and clarifies that they must be appropriately separated from anyone of a different age, regardless of whether those people of different ages are also students.

**Consider:**

- checking the sleeping arrangements in the house during your student interviews and homestay visit
- asking a set of questions when interviewing your international student to prompt information that gives you confidence the student feels safe in their accommodation.

26(1g)**Appropriate supervision in the accommodation**

New Zealand laws relating to appropriate supervision of children aged under 14 also apply to international students aged under 14.

Signatories should consider, discuss and agree expectations regarding, for example, what happens if the residential caregiver wishes to go out or away without the international student. These expectations can be clarified in the written residential caregiver agreement.

**You may find the following links useful:**

[Code Toolbox, outcome 3, "Provider responsibilities for international students"](#)

[Hosting International Visitors Guidelines](#)

[Hosting Short-Term International Visitors](#)

26(2)**International students 18 years or over who live in accommodation provided or arranged by a signatory**

Signatories are responsible for ensuring that the student's accommodation is safe, is in acceptable condition, and meets all regulatory and legislative requirements. They are also responsible for maintaining effective communication with the student when accommodation issues arise.

→ See guidelines at 26 (1a) for good practice suggestions.

26(3)**International students 18 years or over who arrange accommodation for themselves**

You must ensure that international students aged 18 or over who are arranging accommodation for themselves are directed to relevant information and advice that will enable them to understand their rights and obligations as a tenant in New Zealand.

It is your responsibility to determine the specific advice and information needs of your students in relation to this clause.

**Some suggestions for advice and information include:**

- New Zealand tenancy laws
- local rental costs
- Disputes Tribunal
- day-to-day aspects of independent living
- thinking and planning ahead
- realistic expectations for how easy/difficult it will be to find accommodation
- realistic perspective of distances and transport links
- the likelihood of needing to secure temporary accommodation.

**New Zealand laws to note:**

[Care of Children Act 2004](#)

[The Children's Act 2014](#)

[Tenancy Services](#)

**You may find the following links useful:**

[Trademe and Realestate](#)

[Disputes Tribunal](#)

[Information about accommodation for international students in Auckland](#)

[Information about accommodation for international students in Hamilton](#)

[Information about accommodation for international students in Wellington](#)

[Information about accommodation for international students in Christchurch](#)

[Information about accommodation for international students in Dunedin](#)

26A**Safety checks and appropriate checks****Police Vetting**

For information about police vetting, please visit the New Zealand Police website [NZ Police Vetting](#).

The Police do not support or encourage signatories sharing the outcomes of police vetting checks with other signatories, even with the residential caregiver's consent. If the residential caregiver has been given the outcome of their police vetting check, they may choose to share it.

Signatories should be mindful that police vetting checks are conducted at one point in time and do not future proof a residential caregiver.

As the full safety check is required every three years, you might consider that your residential caregiver agreement requires the caregiver to advise you during the three-year period if they, or anyone else who lives in their residence, has at any point any criminal charges or pending criminal charges against them, what that charge is, if they are on bail or are found guilty of an offence.

Risk assessment

You will need to work out what information is needed to undertake a risk assessment of each residential caregiver. Consider potential risks to international students in their living environment and what information would help you to identify those risks.

**Factors to consider in a risk assessment include, but are not limited to:**

- the residential caregiver's availability to provide support in the case of an emergency
- their ability to provide empathy
- their cultural awareness
- their ability to manage any difficulties that may arise
- their ability to communicate effectively, verbally and in writing.

Safety checking requirements do not apply to non-resident temporary supervisors (→ see process 26A(2)).

If the student's residential caregiver is a non-resident temporary supervisor, signatories must have a written agreement from the parent or legal guardian if under 18, that the signatory is not responsible for the student's day to day care when the student is in the custody of that supervisor.

Outcome 7: Student support, advice and services

07

 [Link to outcome 7 in the Code](#)

Signatories must ensure that international students are fully informed about relevant advice and services to support their educational outcomes.

The intent of this outcome is to ensure that students have the information they need to access relevant advice and services, in order to successfully live and study in New Zealand.

The emphasis of this outcome is on information provision, as opposed to service delivery.

It should be read in close conjunction with outcomes 5 and 6. Much of the information from your orientation programme will flow into ongoing student support, advice and services, which includes safety, wellbeing, and accommodation processes.

2019 amendments to outcome 7

Signatories must provide their international students with information and advice on how to adjust to a different cultural environment in New Zealand (→ see *clause 28(c)(iii)*).

Navigating these guidelines

Under 18 year old and/or under 10 year old students

Headings specific to under 18 year old and/or under 10 year old students are highlighted in blue.

Icons are used throughout the document to help signatories locate information:

-  'Star icon' signals suggestions for good practice
-  'Arrow icon' draws attention to website resources.

28. Process

28(a)

Ensuring information is accurate, age-appropriate, and up to date

Information needs to be age appropriate, while ensuring that a student has sufficient knowledge to enable them to operate safely during their stay.



Consider:

- age sensitivities – for example, there may be some topics that are not relevant or appropriate to cover, and there may not be the same reference points for some topics, such as alcohol
- how to develop and publish information that is easy for international students of different ages to find and understand
- publishing key information, policy summaries, and procedures international students need to follow on your website as Frequently Asked Questions (FAQs)
- writing any documentation that is intended for prospective students as though they were someone who knows nothing about your organisation, who has never been to New Zealand before, and who has limited knowledge of English. Use simple sentences
- testing student support advice and material directly and regularly with both new and more experienced students to get their feedback.

28(b)

Information about legal rights and obligations

You need to decide what information is relevant for your students, depending on their age, circumstances, expectations, and any other relevant factors.

The Citizens Advice Bureau (CAB) offers information and services about legal rights and obligations and can be a good starting point.



Consider:

- explaining to international students that the laws of New Zealand apply to them while they are living and studying here
- advising them where to find New Zealand legislation
- summarising and/or directing them to the most relevant legislation (i.e. the road code, drinking and smoking laws, etc.)
- providing information with links to relevant websites and, if possible, in other languages.

28(c)**Information and advice on:**

- i. How to effectively interact with people from different cultural backgrounds**
- ii. The cultural and community support available to them**
- iii. How to adjust to a different cultural environment in New Zealand**

**Examples for good practice include:**

- providing information about adapting to a new culture / the cultural adjustment process
- developing support services for students experiencing culture shock. For example, how and where to seek support for homesickness or 'teething problems' with the residential caregiver or flatmates
- fostering community links to help students integrate into their community, i.e. churches, cultural and sports groups
- considering when and how to provide this information
- helping staff and domestic students who work with international students to understand culture shock and its stages.

28(ei and eii)**Information on minimum wages and labour conditions in New Zealand, and maximum hours of work permitted under visa conditions****Consider including information about:**

- working part-time, up to 20 hours per week, and full-time during scheduled holidays while on a student visa
- requirements that international students must meet to be able to work while studying; [Immigration New Zealand](#) has full details
- working in New Zealand and employment rights (available on the [Employment New Zealand website](#)).
- the risk of exploitation. Anyone currently being forced to work in New Zealand illegally for less than the minimum wage and/or excessive hours is advised to call the Labour Inspectorate on [0800 20 90 20](#). They can also contact [Crimestoppers](#) anonymously: [0800 555 111](#).

Outcome 8: Managing withdrawal and closure

08

 [Link to outcome 8 in the Code](#)

Signatories must ensure that the fees paid by international students for educational instruction in New Zealand are secure and protected in the event of student withdrawal or the ending of educational instruction or the closure of a signatory.

The intent of this outcome is to ensure the required systems and processes are in place for students, and where relevant their parents or legal guardians, so they understand what happens if a student withdraws from a programme, does not attend, or if your institution cancels a programme or closes for any reason. This includes student fee protection and refunds.

Navigating these guidelines

Under 18 year old and/or under 10 year old students

Headings specific to under 18 year old and/or under 10 year old students are highlighted in blue.

Icons are used throughout the document to help signatories locate information:



'Star icon' signals suggestions for good practice



'Arrow icon' draws attention to website resources.

Good practice for managing withdrawal and closure

Consider developing an explicit process for when students withdraw, and formally documenting student withdrawals.

Points in the withdrawal process you may wish to include could be:

- refund entitlement in the event of withdrawal
- having a withdrawal or leaving form for students to complete that records the date of withdrawal, the students last day of tuition, the reasons for withdrawing, whether or not the student has been granted a refund, and the date of notification to Immigration New Zealand that the student has withdrawn. Provide the student with a copy of the withdrawal form
- advice on where students go when they leave their programme early
- transfer of care procedures for students under the age of 18, during the period of enrolment and at the end of enrolment (see outcome 6, clause 23 (1) (e) of the Code)
- advice that Immigration New Zealand will be notified when a student withdraws.

30. Process

30(1a)

Refund policies are reasonable and in accordance with legal requirements

The Code advises the minimum conditions which need to be included in a “reasonable” refund policy (→ see clause 30 (2) and the relevant guidance below).



In addition, “reasonable” refund policies will have regard to:

- the Education Act 1989
- Education (Refund Requirements for International Students) Notice 2012
- NZQA’s Student Fee Protection Rules 2013
- the Fair Trading Act 1986
- the Consumer Guarantees Act 1993
- the Human Rights Act 1993
- the terms and conditions of your international student enrolment contract.

Refund policies per provider type

Across all provider types, the student fee protection policy must preserve international student tuition and homestay fees so that they can be accessed in the event of signatory closure, or if a signatory is unable to offer or continue a programme to students.

All signatories have obligations under the Consumer Guarantees Act 1993.

Tertiary education organisations (i.e. universities, institutes of technology and polytechnics, wānanga) have obligations under section 228 of the Education Act 1989.

There are stricter rules that regulate private training establishments (PTEs) (see below).

It is important to ensure that fees are correctly receipted so that refunds are made back to the appropriate party.

Schools

Fee protection processes will differ from school to school and be guided by the accounting system used by schools. Some schools operate a separate bank account and special ledger codes to manage international student fees. This can protect student fees paid in advance.

Fees received in advance should only be used by a school as the fees are earned during the programme. A portion of advance fees are transferred to the school’s main bank account in instalments. Remaining fees paid in advance are available to be refunded if necessary.

Boards of Trustees are advised to consult their insurance advisors when developing a fee protection policy and to make arrangements appropriate to their needs.

It is good practice to seek the advice of an accountant when developing a fee protection policy.

30(1a) (continued)**Refund policies are reasonable and in accordance with legal requirements****Private training establishments (PTEs)**

PTEs also have obligations under Part 18 of Education Act 1989.

NZQA's Student Fee Protection Rules protect the interests of domestic and international students, especially if a PTE stops offering a programme in which students have enrolled.

Student fee protection covers all payments made to a PTE by, or on behalf of, a student. If paid to a PTE, these will include:

- fees (including programme-related costs and agents fees and/or commission)
- accommodation
- living expenses.



For more information go to: www.nzqa.govt.nz/providers-partners/approval-accreditation-and-registration/student-fee-protection.

30(Ib)**Providing international students with sufficient information to understand rights and obligations under refund policies**

This process relates to outcome 3 and the aim is to help you to manage the expectations of international students (and their parents/legal guardians, where relevant) to mitigate potential financial and contractual disputes.

Signatories are required to not only inform students when fees may be refunded but also to ensure that the information provided is sufficient for students and families to understand the refund conditions.

You will only be able to truly test that your information has been sufficient when the first student goes through your withdrawal and refund process. At that point, consider how effective your information was for managing student/parent expectations. Then review the information provided and amend it as required.

**To clarify refund conditions, consider informing students of:**

- circumstances in which a student may or may not be eligible for a refund
- fees not protected by your refund policy (for example, travel and temporary accommodation costs prior to enrolment and accommodation placement at your institution; personal costs incurred in the event of a course or programme being cancelled at short notice)
- any timeframe that students must comply with to obtain a refund
- the process that must be followed to apply for a refund (such as filling out a particular form and submitting it to a particular person/department)
- any supporting documentation that will be required for a refund application to be considered, for example a fees receipt and offer-of-place letter or medical certificate.

**Information on refund policies and conditions can be provided through:**

- marketing and promotional material
- information for agents to provide to students
- student contracts and information provided prior to the contract being signed
- orientation information
- international student handbook.

However, the most important time to ensure that the refund policy information is received is **prior to entering the enrolment contract**.

Outcome 9: Grievance procedures

09

 [Link to outcome 9 in the Code](#)

Signatories must ensure that all international students have access to proper and fair procedures for dealing with grievances.

The intent of this outcome is to ensure transparent, accessible, and effective processes are in place to resolve any grievances students may have.

Navigating these guidelines

Under 18 year old and/or under 10 year old students

Headings specific to under 18 year old and/or under 10 year old students are highlighted in blue.

Icons are used throughout the document to help signatories locate information:



'Star icon' signals suggestions for good practice



'Arrow icon' draws attention to website resources.

Good practice for dealing with grievances

Act early: formal complaints are the tip of the iceberg

The process for dealing with student grievances often begins long before a formal complaint is made.

Proactive pastoral care from the earliest stages of the international student lifecycle can prevent minor issues building to become major ones that can cost your organisation time, money, and reputation.

Ensuring that your organisation complies with outcomes 1–8 of the Code is your best chance of avoiding having to actively go through the processes outlined here at outcomes 9 and 10. Hold discussions with your international students in a less formal context, earlier, and capture issues before they become complaints. The processes outlined in outcomes 6–7 will assist you with this.

In the event that your organisation does have to deal with a formal grievance, having robust procedures in place will ensure that the experience is as quick and painless as possible for all involved. Effective grievance procedures can even become a meaningful source of business 'intel' for your organisation if you are open to feedback and embrace the process as an opportunity to listen to your student 'customers' and improve services as required.

Ensure both you and your international students have appropriate advocacy and support

Going through a formal complaint process is a difficult experience for all parties.

For an international student, it is incredibly challenging to go through the process in a foreign country, culture, and language.

For this reason, it is important to ensure the international student in question has enough advocacy and support.

Consider engaging with an external advocacy service or building community networks to identify and source independent people who can act as advocates for the international student if and when necessary. Community networks can include but are not limited to church groups, cultural support groups, etc.

It may not be appropriate for a staff member to act as the advocate, for example when the allegations involve another student or staff member.

In a grievance situation where two or more students are involved, it is important to ensure that each student has a separate advocate or support person.

International students who have gone through a grievance process may also need additional pastoral care follow-up after the dispute has been resolved. Consider meeting with the student and, if relevant, their parents/guardians, after the event to check that they have been able to resume student life.

For signatories, the challenges of communicating across cultures and languages, sometimes in the heat of criticism and unwanted media attention, can require the advice, advocacy and support of peak bodies and other organisations. Consider joining a peak body or other relevant organisation to ensure that you have appropriate support, information, and media training to navigate challenging circumstances before they arise.

Accept that every situation is unique and multi-faceted

Understand and account for the fact that each grievance situation is unique and will often include several issues. Your process may need to cover a mix of continual issues, rather than each individual issue. Accept that it will not be possible to preempt every international student grievance in advance. Be prepared to learn from things that go wrong – look at what happened, where there may be gaps, and where you might be able to make changes in future.

32. Process

32(I)(a) and 32 (I)(b)

Effective internal process for addressing grievances and international students are informed about that process

You must develop and implement an effective internal process for addressing grievances and ensure that your students are informed about it.



Suggestions for good practice:

- consider when the process starts – formally and informally (i.e. you are required under outcome 5 to give international students information about your grievance procedures during orientation. Is that the beginning?)
- make your process easy to understand – think about a flow chart, or step-by-step instructions, in plain English, as well as in other languages if possible
- have an ESOL teacher review the copy to ensure that it is written in ‘plain English’ appropriate for speakers of English as a second or other language
- involve international students in the development of your process and in its review
- develop your process in consultation with your international student staff
- include clear direction on who to go to for support
- advise international students to approach the staff member closest to the problem in the first instance (with an advocate, if appropriate)
- identify different complaint types and the person to whom each type of complaint would be addressed
- include photographs and locations of appropriate staff for ease of identification for students
- include your process in pre-enrolment packs and explain the process at orientation (keep it simple and positive)
- tell students about the process both verbally and in writing
- display the grievance procedure information in prominent places around your campus
- let students know that they have a right to an advocate, and make sure advocates have institutional knowledge (policies, procedures, people) and are able to listen without prejudice to the student’s point of view
- let students know that they may bring another support person with them (such as a friend or family member of homestay parent) during any stage of the process
- refer students to their students’ association if appropriate
- integrate a process for managing complaints about the education agents you commission
- inform your agents of your grievance procedures and the external process for making a complaint to NZQA or the DRS
- put the outcome of any complaints in writing
- check that international students are confident they can access and understand the information provided about the grievance procedures at your organisation
- document your complaints, gather feedback on the effectiveness of your process, and develop ways of integrating these into your internal review process so you can continually improve.

32(2)**Advising students of recourse to the DRS / Code administrator**

While not limiting an international student's access to an external process, you should take measures to work through the issues that are most appropriately dealt with internally before referring an international student to an external appeal body.

Advise your international students that they can contact NZQA or iStudent Complaints if their complaint is not resolved through your internal process:

- NZQA receives and investigates international student complaints relating to an alleged breach of the Code. Information on how to make a complaint can be found on [NZQA's website](#). NZQA has also developed a student-focused [brochure](#) with contact information which can be provided to international students
- **iStudent Complaints** is the International Student Contract Dispute Resolution Scheme established by the New Zealand Government. iStudent Complaints receives and resolves international student financial and contractual disputes with providers.

Outcome 10: Compliance with International Student Contract Dispute Resolution Scheme

O10

[Link to outcome 10 in the Code](#)

Signatories must comply with the DRS rules.

The intent of this outcome is to ensure that signatories are familiar with the DRS rules and ensure compliance with those rules in a dispute to which they are a party. Failure to comply with the DRS rules is a breach of this Code and may trigger sanctions by the Code administrator.

34. Process

34(1) and 34(2)

Compliance with the DRS rules

Ensure that the relevant staff are familiar with the **DRS rules** and comply with them if an international student dispute is referred to **iStudent Complaints**.



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