



# code of practice

revised 2010

## GUIDELINES

FOR THE PASTORAL CARE OF INTERNATIONAL STUDENTS

## SCHOOLS

### **Providers and the Education Act**

The Code of Practice outlines the requirements for providing pastoral care to international students. The intention of this document is to establish Guidelines to illustrate how those requirements may be met. Providers should seek legal advice to confirm compliance with legislation that applies to their operations. The Ministry of Education may suggest best practice but the responsibility of ensuring that a provider's business practices comply with the law rests with the provider.

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## Introduction

International education is a major contributor to the New Zealand economy. There are now over 1,200 institutions providing for the education and pastoral care needs of international students in New Zealand. All of these institutions are signatories to the Code of Practice for the Pastoral Care of International Students (the Code).

The Code is established under section 238F of the Education Act 1989. The Act requires that an education provider must be a signatory to the Code to enrol international students. The Code commenced on 31 March 2002, was revised in 2003, and was further revised in 2010.

Quality pastoral care for international students is vital for student safety and for the ongoing viability of the export education industry. These Guidelines will assist signatories to meet the requirements of the Code by providing practical explanations of the requirements and referring providers to examples of good practice that can be accessed on the Ministry of Education website <http://www.minedu.govt.nz/educationSectors/InternationalEducation.aspx>

The standard for the Guidelines is existing good practice in the industry. Many providers will already have processes in place that meet or exceed the standards set out here. However, there is value in sharing knowledge and experience among providers.

Providers who receive tuition fees from international students, including group students, must pay the International Student Levy. Information on the levy can be found at <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/ExportEdIndustryDevFundAndLevy/CollectionOfTheExportEducationLevy/CollectionOfInternationalStudentLevyFromIntegratedSchools.aspx>

- All signatories are required to comply with the Code
- Signatories must comply with the Code to ensure that their international students receive appropriate care.

### The Code

- Ensures that services for international students meet nationally consistent standards.
- Provides procedures for student complaints to be heard.
- Ensures that appropriate consumer mechanisms protect both the contracts between international students and signatories.
- Ensures New Zealand's reputation as a provider of quality education.

## Acknowledgements

The 2009 guidelines team are thanked for their contribution towards the 2010 Guidelines. Also acknowledged are all contributors to the 2003 Guidelines.

## Distribution and publication of the Guidelines

The guidelines may be downloaded from the Ministry of Education's website and may be photocopied and distributed freely. The guidelines will be available at: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/GuidelinesToSupportTheCode.aspx>

The guidelines will be reviewed and updated periodically. Updated pages will be available from the website listed above. Updates can be downloaded, printed and inserted into the main Guidelines document.

Feedback on the Guidelines (including suggestions for inclusion or improvement) is welcomed.

## What is pastoral care?

Pastoral care is not defined in the Education Act but is the term given to encompass all aspects of care, safety and wellbeing required under the Code.

Pastoral care includes:

- Recognising that international students are in a new cultural environment, and providing support that enables students to make the necessary adjustments
- Acknowledging that international students are in New Zealand as a result of enrolment with Code signatories, and that in return those signatories must take responsibility for identifying and addressing the needs of the students, including their safety and wellbeing
- Assisting international students to participate in New Zealand culture by helping them to develop relationships and networks
- Supporting international students to achieve their goals
- Encouraging best practice for student care within the export education industry.



## Part 1 GENERAL

### 1 Information

- 1.1** Signatories must bring the existence and content of the Code to the attention of all staff directly or indirectly involved with international students.

This requires signatories to:

- Advise all staff involved with international students of the existence of the Code
- Advise all staff involved with international students of the content of the Code as it relates to their role
- Advise all staff involved with international students of the requirement to undertake an annual review (clause 28.3).

#### **What information should be given to staff?**

Signatories with new pastoral care staff who are not yet familiar with the Code must provide them with support and relevant professional development opportunities.

#### **Academic staff (e.g. teaching staff) should be familiar with the following clauses of the Code:**

- Assessment of prospective international students, entry requirements, and details of courses available for international students (clauses 6 and 7)
- Staff members marketing, recruiting or working overseas (clause 8)
- Support services (clause 13)
- Grievance procedures for international students (clause 22)
- Ensuring students are meeting course and attendance requirements (clause 14).

#### **Clauses of the Code that admissions and administrative staff should be familiar with include:**

- Enrolment procedures (clause 7)
- Immigration New Zealand (clause 9)
- Support services (clause 3)
- Holding information on international students (clause 7.2)
- Grievance procedures (clause 22)
- Accommodation (all Part 6).

#### **Clauses of the Code that marketing staff must have a detailed understanding of include:**

- Provision of information to prospective international students (clause 4)
- Prospectuses and promotional material (clause 5)
- Assessment of prospective international students (clause 6)
- Accepting international students for enrolment (clause 7)
- Staff members representing signatories overseas (clause 8)
- Immigration New Zealand (clause 9).

#### **How should the information be given to staff?**

- By email
- In a staff newsletter
- In regular staff meetings

- In the employee handbook
- In extraordinary newsletters (when Code changes are announced)
- By notices on staff notice boards.
- Via reports (e.g. to senior management and Board of Trustees).

It may be most effective to use a combination of these methods to give information to staff.

Reference to Code obligations should be included in staff job descriptions. It is a management responsibility to ensure that staff are properly informed of their responsibilities under the Code.

### 1.2 Signatories must ensure that staff are provided with support and training appropriate to their role with international students to assist them to understand and apply the Code.

Signatories must be able to demonstrate that they have a professional development programme that ensures all staff in regular contact with international students have cross-cultural training and, as appropriate, ethno-specific training.

This includes cross cultural training for all staff in regular contact with young international students in Years 1 - 8 of a school (clause 13.7.5).

**Cross-cultural training** means the development of competency in and understanding of communication and behaviour patterns in another culture.

This may include:

- Office and administration staff
- Accommodation staff/homestay coordinators
- Lecturers and departmental managers
- Sports coaches.

Ways to provide cross-cultural training:

- Staff meetings – invite an ex-student
- Professional Development sessions
- Community meetings
- A handbook of information about the relevant cultures for staff.

Resources

- The Ministry of Education – [www.minedu.govt.nz](http://www.minedu.govt.nz)
- ISANA: International Education Association – [www.isana.org.au](http://www.isana.org.au)
- The Office of Ethnic Affairs – [www.ethnicaffairs.govt.nz](http://www.ethnicaffairs.govt.nz)

## 2 Offshore students

### 2.1 Signatories are not required to apply the Code in relation to international students whose study is carried on outside New Zealand (offshore).

## 3 Group students

### 3.1 Signatories are required to comply with the Code in relation to group students.

All provisions of the Code must be applied to group students including:

- Giving group students the required study tour information before enrolment
- Giving group students an appropriate orientation
- Ensuring group students have access to information and advice
- Ensuring that the accommodation requirements of the Code are met
- Allowing group students to access grievance procedures.

Signatories should ensure that information and support are tailored to meet the specific needs of group students, and that group students are provided with all the information and support services required under the Code in a format that is appropriate for them to access and covering the full duration of their stay.

### 3.2 Signatories must ensure that group students have:

#### 3.2.1 Appropriate supervision; and

#### Supervision

Supervision is required for all group students, regardless of age. Young international group students should have supervision and first language support available 24 hours. Older and adult students should have 24-hour emergency access to staff. This could be provided by way of a mobile phone that is rotated among staff with responsibility for students. Supervisory staff should have contact details of a bilingual first language speaker available 24/7 for emergency situations.

When supervision is provided by agents of the signatory (which includes overseas education providers – e.g. where students are travelling with their teacher/lecturer), the signatory has overall responsibility for all aspects of the supervision, and should ensure that accompanying staff have the appropriate skills, knowledge, and attributes to provide appropriate supervision. If accompanying staff do not have all the appropriate skills, knowledge, and attributes, signatories should provide their own additional staff, with skills, knowledge, and attributes that will complement those of the accompanying staff.

#### Appropriate supervision

Appropriate supervision is supervision that meets the needs of students and satisfies regulatory requirements. What is appropriate will depend on a variety of factors, including:

- Age of students
- Duration of students' stay in New Zealand
- Reason for students' visit to New Zealand
- The activities involved.

Signatories will need to determine what supervision is necessary to meet the needs of each particular group.

#### Skills, knowledge, and attributes of supervisors

When arranging supervision, signatories should ensure that supervisory staff have the following skills, knowledge, and attributes:

- Ability to understand the needs of international students
- Understanding of possible situations that may arise (such as lost luggage/passport, health problems)
- Understanding of New Zealand laws, especially with respect to minors (including reasonable provision for supervision and care of students under the age of 14, as required by Section 10B of the Summary Offences Act 1981)

- Knowledge of first aid, including:
  - a) knowledge of safety procedures
  - b) knowledge of emergency services in New Zealand
  - c) one member of supervisory staff to have current First Aid Certificate (St John's certificate in basic first aid, or equivalent).
- Institutional knowledge, including knowledge of:
  - a) policy
  - b) procedures
  - c) people
- Communication skills (including knowledge of students' first language, or access to a first language speaker if appropriate – to ensure that students can communicate their needs to someone).

### 3.2.2 An appropriate ratio of supervisors to students.

The appropriate ratio of supervisors will depend on risk factors such as the students' ages and the activities to be undertaken by the group (e.g. activities involving water will generally be higher risk). It is recommended that signatories refer to the EOTC (Education Outside The Classroom) guidelines for guidance on determining risk factors.

#### Suggested ratios of supervisors to staff

Ratios should take into account that pastoral care cannot be separated from educational and supervisory issues for young students. Signatories need to have regard to the skills, knowledge, and attributes of staff, and the risk factors to the group, when determining appropriate ratios. Ratios may differ according to the skill sets of supervisors – e.g. if supervisors have first language skills a lower ratio may be appropriate.

Signatories must refer to the LEOTC (Learning Experiences Outside The Classroom) Provider Guidebook for guidance on determining risk factors.

The LEOTC Provider Guidebook is available to download at: <http://eotc.tki.org.nz/LEOTC-home/For-providers>

Adult-to-student ratios refer to the number of adult supervisors who must accompany students on any class visit or trip outside the school. It is important that the ratio is high enough to ensure a high quality learning experience and a safe event. Appropriate ratios for LEOTC will vary according to student needs, age group, activity, location, and the experience of the staff and adult helpers involved. If in doubt, be conservative or seek professional advice when deciding on ratios. Take the following into account as part of the risk assessment:

- Professional competence of staff
- Competence of volunteer assistants/adult helpers
- Gender, age, behaviour, and ability of students
- Special needs of students (medical/educational)
- Duration and nature of the activity, (e.g. land-based, water-based)
- Nature of the site
- Site requirements, (e.g. permits)
- Contingency options (e.g. weather changes, delays)
- First-aid cover
- Access to emergency services
- Season and weather forecast

It is very important to remember when deciding on ratios that not all adults have the experience and skills to be a supervisor.

For further information on ratios see Safety and EOTC: A good practice guide for New Zealand schools [www.tki.org.nz/r/eotc/resources/safety\\_e.php](http://www.tki.org.nz/r/eotc/resources/safety_e.php)

### Examples of current staff-student ratios used by signatories

For 60 - 90 students aged 18 and over:

- 1 co-ordinator employed full time
- 1 international student manager
- 1 homestay co-ordinator
- 3 tutors

For 40 - 60 students aged 14 - 18:

- 1 full-time homestay co-ordinator (with an assistant in peak seasons and or when there are younger students)
- 1 full-time academic director
- 1 senior teacher for lesson planning and class allocation/tutor management
- 4 tutors
- 2 same language speakers

For 15 - 25 young international group students aged 10 - 12 years:

- 1 school based co-ordinator who works with tour or group leader
- 1 designated tutor for the group, who also acts as their contact within the school
- 1 tour/group leader who is responsible for all pastoral care
- At least 2 same language speakers available 24/7 ( one of these could also be a tour or group leader)

**3.3** Signatories organising or accepting group students who are young international students must have approval from the Administrator in accordance with clauses 27.3 and 27.4 before enrolling such students.

Approval from the Code Administrator must be obtained by any provider who wishes to enrol young international group students ie two or more international students aged 10 and up to (and including) Year 8 who hold a group visa issued by Immigration New Zealand.

[www.minedu.govt.nz/.../ProvidersOfIntEd/FAQsYoungInternationalGroupStudents2010Code.pdf](http://www.minedu.govt.nz/.../ProvidersOfIntEd/FAQsYoungInternationalGroupStudents2010Code.pdf)

[www.minedu.govt.nz/.../ProvidersOfIntEd/AssistanceYoungInternationalGroupStudents2010Code.pdf](http://www.minedu.govt.nz/.../ProvidersOfIntEd/AssistanceYoungInternationalGroupStudents2010Code.pdf)

New provisions in the Code (3.3, 3.4, 15.5.1, 15.6, 15.7, 27.3 and 27.4) ensure that pastoral care for group students is provided. Approval from the Code Administrator must be obtained by any provider who wishes to enrol young international group students (students aged 10 or in years 7 and 8 in a school).

**3.4** Signatories arranging or accepting group students must have policies in place that clearly set out the responsibilities of the provider and any third party involved in the visit. The policy may include (but is not limited to):

**3.4.1** Educational instruction and services to be provided;

- The key features of the group student programmes offered and the outcomes you intend to achieve for learning in the classroom and for cultural/activity tours
- The target markets for group students
- Limitations (numbers of students, numbers of tours, period during which tours can/can't take place) and why – e.g. impact on domestic students, resources
- Facilities, staffing and resources you will need to service each tour and meet the Code.

**3.4.2** Contact person and 24-hour emergency phone number;

The signatory should develop emergency procedures and consider the following:

- How staff and group organisers are to be informed of emergency procedures
- How an international student's parents are to be informed of emergency procedures
- How homestay families and designated caregivers are informed of emergency procedures
- The availability of interpreters.

**3.4.3** Parental permission (for students aged under 18);

**3.4.4** Parents' contact details overseas;

**3.4.5** Accommodation arrangements;

**3.4.6** Fees/payment;

**3.4.7** Assessment of risk and critical incident response;

### Assessment of risk

The signatory's policy should ensure that the student will be safe on holiday or on an excursion. It should also ensure that:

- The parents have been contacted for permission for the trip and a permission response is received (preferably in writing)
- The excursion supervisors and/or "activities organisations" are properly trained.
- The homestay family or excursion company have comprehensive critical incident procedures in place
- The school has provided a 24/7 contact.

### School's insurance cover

All state and state integrated school Boards are required to have public liability insurance which covers most issues that arise (e.g. the cost of defending court cases).

Activities relating to international students are covered by the Lumley policy. <http://www.lumley.co.nz/fendoff/faq.html>

It should be noted that the Board of Trustees for a school is legally responsible for the safety of all students on these experiences/trips, regardless of whether any incident is caused by the actions or omissions of a teacher, outside helper, student or commercial operator contracted by the board.

If an unusual activity is not covered by the school's insurer, then extra insurance is a matter for schools to decide upon.

### Risk management prior to a trip or excursion

This is not regulated in the Code. 'Best practice' guidelines would suggest that the school (and its Board) exercise duty of care to ensure that the student will be safe on holiday or on the excursion. It is the signatory's duty to ensure that:

- (i) the parents have been contacted for permission for the trip
- (ii) the excursion supervisors and/or "activities organisations" are properly trained.
- (iii) the homestay family or excursion company have appropriate critical incident procedures in place
- (iv) the school has provided a 24/7 contact.

### Critical incident response

School Boards should have a policy for responding to critical incidents that takes into account the special provisions that need to be considered when an incident involves an international student.

These include:

- Stating that the responsibility for contacting the parents in the event of a death lies with the Police or the relevant Embassy (not the school)
- Using first language speakers to communicate to students and parents and, where possible, first language health staff to ensure accuracy of information.
- Assisting the parents to come to New Zealand and meeting their wishes regarding arrangements for the student
- Caring for the friends and caregivers of the student(s) concerned
- Using the student's travel and medical insurance policy.

The Ministry of Education has developed resources for schools to use in the event of a traumatic incident or event. These resources can be found at the following link: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/Schools/SchoolOperations/CanterburyEarthquake/InternationalStudents.aspx>

**3.4.8** Medical and travel insurance requirements;

**3.4.9** Allocation of responsibility and provision for 24-hour supervision for students under the age of 18.

In situations of multiple providers, including overseas providers, other providers in New Zealand, and/or tour agents, signatories should write an agreement with each tour organiser clearly setting out the division of responsibility among the parties.

Examples of agreements between agents and the provider can be found at: [edu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/GroupStudents.aspx](http://edu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/GroupStudents.aspx)



## Part 2 MARKETING, RECRUITMENT, AND ENROLMENT OF INTERNATIONAL STUDENTS

### 4 Provision of information to prospective international students

**4.1** All information provided under this Part must be either in writing or in an electronic format, and available for production to and inspection by the IEAA or Administrator. Records of all moneys paid and received should be in writing.

**4.2** Signatories or their agents must make the following information available in writing to prospective international students before students enter into any commitments, either by referring the student to specific website information or directly providing the information on:

**Enter into any commitments** means a commitment to come to New Zealand to study with a signatory. Commitments include (but are not limited to):

- Signing a contract
- Making a financial commitment (such as booking a plane ticket in reliance on advice from a signatory).

Signatories must provide all the information listed in clauses 4.2.1 to 4.2.9 to students before students have made any commitment to coming to New Zealand to study with the signatory. See below for detailed information on each clause.

#### IEAA Reports

The IEAA (International Education Appeal Authority) investigates complaints from international students about pastoral care aspects of advice and service received from their Education Provider or the provider's agents. For further details see clause 23 of these Guidelines.

The IEAA states 'The importance of providing full and accurate information to students prior to enrolment should not be underestimated'.

Ref. IEAA Annual Report 1 Jan to 31 Dec 2007- Case 2: Student not informed about the school's hairstyle rule.

**4.2.1** Cost of tuition and all other course-related costs, so that there are no substantial hidden costs;

Information to be given to students under this clause includes, but is not limited to, all of the following that are applicable to the signatory:

- Costs of all tuition at the time of enrolment
- Any projected rises in tuition fees, or additional fees (such as correspondence courses)
- Compulsory textbook and class or lecture materials costs
- Internal and external examination fees
- Compulsory stationery costs
- Costs of any additional materials and equipment

For example:

- a) art supplies
  - b) laboratory equipment
  - c) music equipment
  - d) sporting equipment
  - e) safety equipment
  - f) tools
- Course-related fees that the student will be required to pay
- For example:
- a) internet fees
  - b) photocopying fees
  - c) printing fees
- Uniform or other special compulsory clothing costs
  - Costs of study trips or camps
  - Costs of extracurricular activities
  - Any other costs that students are likely to, or will, incur as part of undertaking the course of study with the signatory.

### Calculating tuition fees

<http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/GettingStarted.aspx>

Included in Tuition Fee	Excluded from Tuition Fee (any separately charged fee)
<ul style="list-style-type: none"> <li>• Tuition cost (as per domestic student)</li> <li>• Staff employed to administer international student programme</li> </ul>	<ul style="list-style-type: none"> <li>• Administration/ registration fee</li> <li>• Accommodation</li> </ul>
<ul style="list-style-type: none"> <li>• Profit</li> <li>• ESOL staff</li> </ul>	<ul style="list-style-type: none"> <li>• Accommodation administration fee</li> <li>• Insurance</li> </ul>
<ul style="list-style-type: none"> <li>• Staff training and development</li> <li>• Membership of networks and marketing groups</li> <li>• International Student Levy</li> </ul>	<ul style="list-style-type: none"> <li>• Exam fees</li> <li>• Airport pickup</li> <li>• Educational materials (e.g. books, uniforms, study materials, tools, field trips)</li> </ul>
<ul style="list-style-type: none"> <li>• Teaching materials, resources and equipment</li> </ul> <p>The Act requires signatories to pay any levy as required by the Education Act 238H <a href="http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/ExportEdIndustryDevFundAndLevy/CollectionOfTheExportEducationLevy.aspx">http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/ExportEdIndustryDevFundAndLevy/CollectionOfTheExportEducationLevy.aspx</a></p>	<ul style="list-style-type: none"> <li>• Student services</li> </ul>
<ul style="list-style-type: none"> <li>• Marketing</li> <li>• Cost of sale, including agent's fee</li> <li>• Capital expenditure</li> <li>• GST</li> </ul>	<ul style="list-style-type: none"> <li>• Extra-curricular activities</li> <li>• School trips</li> </ul>

#### 4.2.2 Application requirements and procedures;

Information to be given to students under this clause includes, but is not limited to, all of the following requirements for applying for enrolment that are applicable to the signatory:

- How to apply for enrolment

- Additional information the prospective student will be required to provide for their enrolment application to be considered  
For example:
  - a) previous school reports/previous academic records
  - b) references
  - c) health or behavioural information.
  - d) parental/student intentions once school year is ended-e.g. return home, travel.

#### 4.2.3 Conditions of acceptance;

Information to be given to students under this clause includes, but is not limited to, all of the following conditions that must be met for a student to be accepted for enrolment that are applicable to the signatory:

- Required level of English
- Payment of fees, or fees deposit
- Any entry requirements  
For example
  - a) particular IELTS or other proficiency test score
  - b) passing of signatory's own test
  - c) satisfactory interview
- Satisfactory character reference (including behavioural record for primary/secondary schools)
- Level of previous academic achievement/academic pre-requisites
- Health requirements (particularly for courses including a physical activity component).

#### 4.2.4 Refund conditions;

The Education Act section 4B(7) states that schools may give refunds “to the person who paid (in respect of the student’s enrolment in the subject, course, or programme)”.

Information to be given to students under this clause includes, but is not limited to:

- Circumstances in which a student may be eligible for a refund
- Circumstances in which a student may not be eligible for a refund
- 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) course fees receipt and offer of place letter
- b) medical certificate

The signatory’s refund policy must be given to students on enrolment, as set out in clause 7.2.6

#### Suggested Good Practice

- a) The refund and fee protection policies are appended as Schedules to the Tuition Agreement.
- b) Any Enrolment or Tuition Agreements should include a statement similar to:

I have read and understood the attached terms and conditions for enrolment including the (signatory’s) attached schedules (Refund and Fee Protection Policies). Signed \_\_\_\_\_ parent’s signature)

Sample available at: <http://www.minedu.govt.nz/educationSectors/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/FinancialProcedures.aspx>

#### 4.2.5 English language proficiency requirements (if applicable);

Information to be given to students under this clause includes, but is not limited to, the following requirements if they are applicable to the signatory:

- If students are required to have a certain level of English to undertake the course
- How this level of English may be proven.

For example:

- a) IELTS
  - b) TOEFL
  - c) signatory's own test
  - d) school reports
  - e) National Standards
  - f) English Language Learning Progressions
- If the school's procedure is to test the students on arrival and reserve the right to place the student in the course best suited to their abilities. (See clause 6.2)

#### 4.2.6 Information on facilities, equipment, and staffing;

Information to be given to students under this clause includes:

- Facilities available to international students
 

For example:

  - a) sporting areas
  - b) cafeteria
  - c) computer facilities
- Equipment available to international students
 

For example:

  - a) science laboratories
  - b) sporting equipment
  - c) music equipment.
- Staffing information
 

For example:

  - a) any specialist staff
  - b) staff dedicated to international students
  - c) qualifications of staff

#### 4.2.7 Information on the course/s or qualification/s the signatory offers;

### Suggested good practice

Signatories should state what will happen in the case where an option the student has chosen to study or a sport they wish to participate in is cancelled due to insufficient or oversubscribed enrolments.

Information to be given to students under this clause includes, but is not limited to:

- The type of programmes offered by the signatory
 

For example:

  - a) compulsory primary schooling with prescribed New Zealand curriculum
  - b) National Certificate of Educational Achievement
  - c) International Baccalaureate
  - d) Cambridge international examinations
  - e) English language certificates/qualifications

- The status of the programmes offered by the signatory  
For example:
  - a) internationally recognised
  - b) recognised within New Zealand/the Commonwealth

#### 4.2.8 Information on medical and travel insurance requirements; and

Medical and travel insurance is compulsory for all international students studying in New Zealand, including group students.

The signatory is required to ensure that every student has appropriate and current medical and travel insurance for their planned period of study. Detailed information should be provided on:

- When the signatory will ensure the student has appropriate insurance
- The signatory's required components of the insurance policy
- Whether or not a student can purchase an insurance policy from the signatory

For further details about medical and travel insurance, please see clause 7.4 of these Guidelines.

#### 4.2.9 Information and advice on the types of accommodation applicable to students.

If schools arrange or promote accommodation for international students, detailed information must be provided.

### 4.3 Information on accommodation must include the following:

#### 4.3.1 Availability and characteristics of living accommodation options;

- Information to be given to students under this clause includes, but is not limited to:
- Availability of accommodation  
For example:
  - a) if there are limited places in a school hostel
  - b) if student homestays are more than half an hour's travel from the signatory
  - c) if it becomes difficult to secure accommodation close to the start of the course
  - d) if the homestay hosts more than one international student
- Characteristics of the accommodation available to students within the signatory's accommodation policy  
For example:
  - a) what a homestay is like and what it includes (three meals a day, furnished room, one international student in home, family details, etc)
  - b) what the school hostel is like (hostel rules, etc.)
- Relevant aspects of the signatory's accommodation policy  
For example:
  - a) if students may only reside in school-approved homestays
  - b) if students must stay in a homestay for the first six weeks of their period of study.
  - c) if students may only live with parents
- The name, availability, and location of the designated person or persons for accommodation is required under clause 15.1.

#### 4.3.2 Realistic estimates of the cost of accommodation on and off campus;

Information to be given to students under this clause includes, but is not limited to, all of the following that are applicable to the signatory:

- Homestay fees (including a breakdown of the services to be provided)
- What the accommodation will/will not include, and the associated costs that are not included such as internet and line rental
- Costs of living (including transport)
- If any fees are non-refundable (such as homestay placement fees)
- Refund provisions for accommodation arranged by the signatory
- Accommodation monitoring costs (this may include verification of designated caregiver accommodation)
- Additional fees, including placement fees and airport pickup fees
- Accommodation fees for holiday periods
- Hostel fees.

#### 4.3.3 Application processes for securing accommodation; and

Information to be given to students and parents under this clause includes, but is not limited to, all of the following that are applicable to the signatory:

- Any deadlines for applying for accommodation
- Any particular forms that must be filled out
- Any processes that must be followed (such as attending an interview)
- Supporting information required for an application to be considered (including references)
- If any fees must be paid by a certain date.

#### 4.3.4 Whether the signatory has assessed the suitability of the accommodation, and the result of any assessment.

Schools are required to assess all accommodation for students 18 years and under. See clause 15 in these Guidelines.

## 5 Prospectuses and promotional material

### 5.1 Prospectuses or promotional material must give a fair and accurate representation of the activities and services the signatory is offering to provide.

Signatories must ensure that their prospectuses are not likely to mislead students in their text or photographic content. This includes ensuring that information is complete enough to give students a full understanding of the school and the facilities available.

Photographs and pictures of sites/buildings and grounds should be clearly labelled, and should plainly indicate the actual areas occupied by the school.

If the school has satellite campuses, it needs to be clearly stated in the promotional material which facilities, buildings and staff are available at each site.

Services and facilities should be clearly detailed and include if there are any additional charges for their use (e.g. gymnasiums/computer labs).

Signatories should be aware that fraudulent representation is illegal.

**5.2** Prospectuses or promotional material must include the information to be provided to prospective international students listed in clause 4 above.

**5.3** Signatories must include the following standard wording with any prospectus or promotional material.

The standard wording must be provided in writing.

#### **CODE**

[Insert provider's name] has agreed to observe and be bound by the Code of Practice for the Pastoral Care of International Students. Copies of the Code are available from the New Zealand Ministry of Education website at [www.minedu.govt.nz/international](http://www.minedu.govt.nz/international).

#### **IMMIGRATION**

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 at [www.immigration.govt.nz](http://www.immigration.govt.nz).

#### **ELIGIBILITY FOR HEALTH SERVICES**

Most international students are not entitled to publicly funded health services while in New Zealand. If you receive medical treatment during your visit, you may be liable for the full costs of that treatment. Full details on entitlements to publicly funded health services are available through the Ministry of Health, and can be viewed on their website at [www.moh.govt.nz](http://www.moh.govt.nz).

#### **ACCIDENT INSURANCE**

The Accident Compensation Corporation provides accident insurance for all New Zealand citizens, residents, and temporary visitors to New Zealand, but you may still be liable for all other medical and related costs. Further information can be viewed on the ACC website at [www.acc.co.nz](http://www.acc.co.nz).

#### **MEDICAL AND TRAVEL INSURANCE**

International students (including group students) must have appropriate and current medical and travel insurance while in New Zealand.

Eligibility for publicly funded health and disability services for foreign/international students is not determined by their domestic or foreign fee-paying status. It is provided by the Eligibility Direction under section 32 of the New Zealand Public Health and Disability Act 2000 ([www.moh.govt.nz/eligibility](http://www.moh.govt.nz/eligibility)). The direction describes the groups of people who are eligible. Eligibility means the right to be considered for these services and not a right to receive those services. Each person must meet the eligibility criteria in their own right. The eligibility of a person's child, for example, does not automatically give the parent the same eligibility.

'Guide to Eligibility Criteria for Publicly Funded Health and Disability Services' provides information on eligibility for publicly funded (free or subsidised) health care in New Zealand. The Guide is available on the Ministry of Health website at [www.moh.govt.nz/moh.nsf/indexmh/eligibility-guidehome](http://www.moh.govt.nz/moh.nsf/indexmh/eligibility-guidehome) and allows a student or provider to answer yes or no to a series of questions until a page is reached that best describes that student's situation. It then provides information on whether the student is eligible for publicly funded health and disability services, the eligibility criteria and what the student will need to prove their eligibility.

## 6 Assessment of prospective International students

**6.1** Where a course requires a level of English oral and written competency, prior learning, and/or any academic prerequisites for students to participate effectively, the signatory must assess the prospective international student and be satisfied on reasonable grounds that these competencies are met before making an offer of place to the student or accepting the student for enrolment. If these competencies are met, the signatory has discretion to offer a place to the student or to accept the student for enrolment.

Signatories must determine if each course available to international students requires a certain level of English, prior learning, and/or academic prerequisites. Signatories need to be satisfied that students meet the set competencies and are capable of undertaking the course before they are enrolled.

Some courses will not require any prior assessment due to the nature of the course. For example, sporting groups, or classes of students travelling in a group, may not be required to undergo assessment prior to enrolment being approved.

If the student passes the assessment set by the signatory, the signatory is not bound by this clause to accept the student for enrolment. There may be other entry criteria that the student is unable to meet.

When considering a student for enrolment, signatories may:

- 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 a provider offshore
- Administer their own recognised language assessment
- Request references

**6.2** Signatories must advise prospective students prior to enrolment if course placement, or course placement at a particular level, is conditional on a given level of English language proficiency or prior learning being achieved through testing in New Zealand.

Where it is impractical to accurately assess a student's level of English or prior learning while the student is still overseas, signatories may require students to undertake English or prior learning testing on their arrival in New Zealand, particularly if results from overseas testing have been found to be unreliable.

Offers of place should state clearly that the place offered is conditional upon the student demonstrating a stated level of English or prior learning, and that ability and skills will be assessed on arrival and the offer of place may be withdrawn if the stated level is not achieved.

Once a signatory has offered a student a place for enrolment, there is an obligation to accept that student unless the student has provided incorrect information on their enrolment documentation.

It is the responsibility of the signatory to advise the student of the level required and to advise the student of English language or prerequisite courses that can be undertaken to fulfil entry criteria.

Signatories must advise students in writing:

- That they will be required to undertake tests on their arrival in New Zealand
- Of the standard that must be achieved through testing in New Zealand
- If course placement, or course placement at a particular level, is dependent on that testing
- The repercussions for students if they do not reach the required standard

For example:

- a) if students will be placed in a lower-level class or course
- b) if students will be referred to an English language school to undertake a foundation course with a fee transfer and right to enrol with the original signatory once the language level has been achieved.

**6.3** If a signatory is not satisfied that a prospective student meets the requirements set out in clause 6.1, they may advise the student of the English language courses and/or prerequisite course/s that these courses must be successfully completed before the signatory enrolls them and/or during their chosen programme of study.

If a student falls short of the entry requirements for a course they wish to undertake and the signatory considers the student a suitable candidate for future enrolment (once the student has met the entry requirements), then the signatory may advise the student what courses or other requirements they would need to undertake or meet to be considered for enrolment.

## 7 Accepting International students for enrolment

**7.1** Offers of course placement by a signatory to an international student, including where a student is changing from one provider to another, must be based on an assessment of the extent to which the proficiencies and career intentions of the prospective international student are matched by the educational opportunities offered by the signatory. The outcome of this assessment must be recorded in a form that can be made available to Immigration New Zealand, if requested.

Signatories are required to assess the proficiencies of all students, and their career intentions, and determine if their future intentions match the educational opportunities offered by the signatory. This includes assessing the proficiencies of students who have changed from one school to another.

There are many ways to meet this requirement. These include:

- Interviews with students (these could take place offshore or via skype or at orientation)
- Questions on the enrolment/application form
- Through the admissions process (e.g. letters stating how the course/programme of study will contribute to the career intentions of the prospective student)
- Testing and assessment in skill requirements for individual subject areas
- Assessment in English language.

The outcome of this assessment must be recorded in a form that can be made available to Immigration New Zealand if requested.

The requirement for recording the assessment for Immigration New Zealand is intended to assist Immigration New Zealand in determining whether a student changing schools has a genuine educational purpose for the change and is supported by the school that they are changing from.

If Immigration New Zealand requests a recording of the assessment for this clause, the information that will be required is as follows:

- Student name
- Date of birth
- Passport number
- Student's address in New Zealand
- Student's phone number

- Name of the provider
- Name and level of course offered
- The student's career intentions (i.e. what do they want to do after completing this study, e.g. becoming an accountant or a chef, undertaking further study etc).
- The assessment undertaken to determine that the student has met the English language requirements for the course
- The assessment undertaken to determine that the student has met the academic prerequisites for the course.

This information can be collected on a number of documents (e.g. enrolment form, application form, interview form) in line with a signatory's own processes and procedures. However the documents where this information is collected must be made available to Immigration New Zealand if requested.

The form that is required by Immigration New Zealand can be found at: <http://www.immigration.govt.nz/migrant/general/formsandfees/formsandguides/study.htm>

This form must be completed for any student when it is requested. The original documents where the information was captured must also be attached.

Schools should be able to provide students with appropriate information on academic pathways, and refer students to other education providers if appropriate. School careers advisors are an invaluable resource here.

### **Before accepting students from other institutions**

If accepting a student transferring from another provider, a signatory must ensure that the student's visa is endorsed for study at the correct provider and in the correct course before enrolling the student.

### **Enrolling at a new school**

Before enrolling at a new school or course, a student's immigration status rests with Immigration New Zealand.

If the student is transferring between schools, a letter from the parents authorising the transfer is required. Also schools must check what level the prospective student has been studying at and review the student's previous school records before accepting the student.

This is particularly important for students transferring into years 7 or 8 of a school which is approved to enrol students without their parent. It will ensure that the student has had the prior schooling experience (e.g. year 6 or 7 in New Zealand or the equivalent in the home country).

To conform with the Privacy Act, the written permission of the student's parents could be obtained by the inclusion of a clause on the signatory's application to enrol stating that the student's parent/s agree to their previous or subsequent school being contacted.

- 7.2** When enrolling an international student, signatories must provide the international student with the following information, or ensure that the student has already received the information:
- 7.2.1** Details of the signatory's orientation programme and support services;

Signatories are required to have an orientation programme and to provide certain support services to students (clauses 7 and 13).

Students must be given:

- The name and contact details of the designated staff member who is responsible for their pastoral care (clause 13.1)
- The name and contact details of the designated staff member who is responsible for their accommodation (clause 15.1).

Students and parents should also be given an orientation handbook in written, electronic or digital form. The handbook should contain information about the school and support services, including emergency procedures in the local area.

#### **Suggested resources include:**

- The “Getting Help” resource <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/GettingHelpEmergencySheet.aspx>
- A copy of the Guide to Living and Studying in New Zealand— An introduction for international students, parents and families can be downloaded from: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForInternationalStudentsAndParents/LivingAndStudyingNZ.aspx>

**7.2.2** A copy of the signatory’s grievance procedures;

For further details about grievance procedures, see clause 22 in these Guidelines.

**7.2.3** A copy of the Code, and/or the pamphlet *Important Information about the Code*, both of which are available from the Ministry of Education website at [www.minedu.govt.nz/international](http://www.minedu.govt.nz/international);

Where possible, students should be referred to the pamphlet in their first language. The pamphlet has been translated into:

- Arabic
- Chinese (traditional and simplified)
- Japanese
- Korean
- Thai.

The pamphlet could be included in application and orientation packs or be able to be viewed on your website.

**7.2.4** Procedures that apply when a student withdraws, and when a student is found not to be attending their course or programme for a period specified in the policy of the provider, or such other reasonable period of time;

#### **Withdrawal procedures**

Schools should advise all parents and / or students in writing of:

- The withdrawal procedure
- Where they may obtain a Withdrawal Form
- That the signatory’s refund policies will apply in the event of any withdrawal
- That Immigration New Zealand will be notified when a student withdraws.

It is important to have a set process for when students withdraw, and to ensure withdrawals are formally documented.

Suggested points to include in the withdrawal procedure include:

- Adequate advance notification of intention to withdraw
- Having a withdrawal form (in state schools this will generally be the “Leaving Form”) for students to complete. This form should record:

- a) the student's last day of tuition
- b) the reasons for withdrawing
- c) whether or not the student has been granted a refund
- d) the date of notification to Immigration New Zealand that the student has withdrawn.

Signatories are encouraged to document where students go when they leave their course early. This can be useful for the purposes of building a statistical database on trends. This could be done by requiring completion of an "Exit Form" as part of the signatory's withdrawal procedure.

### **Procedures that apply when a student is found not to be attending their course or programme**

To ensure the safety of students, signatories should have documented processes to follow if a student is found not to be attending their course or programme. These should include:

- Advice of any attendance requirements (e.g. 100% attendance required)
- A summary of the absence procedures and the consequences of failure to attend
- The requirements and procedures for notifying legitimate absences
- The requirements and procedures for applying for longer periods of absence.

These should be part of commencement/orientation packs, explained to students during orientation, and explained on the website and in promotional materials.

For further details about procedures that apply when a student is found not to be attending their course or programme, see clause 14 in these Guidelines.

#### **7.2.5 Circumstances in which the signatory may terminate tuition;**

It would be inappropriate for the Ministry to become directly involved in termination. In New Zealand we have two types of schools: state schools (including state integrated schools) and private schools (often called "independent schools"). In a State school the Board of the school in question is the appropriate agency for you to present your concerns to. If it is a private school then you should approach the management of that school. Students in state schools can be removed from school only following a formal suspension process.

[www.minedu.govt.nz/.../StandDownSuspensionExclusionExpulsions/SuspensionsParentInfoWEB.pdf](http://www.minedu.govt.nz/.../StandDownSuspensionExclusionExpulsions/SuspensionsParentInfoWEB.pdf)

In private schools a decision to expel a student is a contractual matter between the student and the school concerned. The school management would make that decision.

### **Homestay rules, and school suspension and expulsion procedures**

The expulsion provisions of the Education Act operate for international students in the same way as they do for domestic students. These provisions can only be applied in relation to conduct which is connected to the school and the school environment as opposed to the home or homestay environment.

An international student's enrolment contract, on the other hand, is a separate legal arrangement and, depending on the provisions of that contract, a student could be required to leave school if there was a breach of the contract which allowed for termination of the enrolment contract by the school.

Often enrolment contracts between schools and international students contain provisions requiring that students comply with homestay rules and stating that schools may terminate a contract if a student is in breach of that requirement. There may possibly be circumstances where a school can terminate a contract with a student, in effect terminating the student's enrolment at the school, without following the suspension, exclusion, and expulsion provisions of the Education Act and without being in breach of clause 4(2) of the Education Act.

The Ministry would advise schools that because of the complexity of these issues, it is important for Boards to seek legal advice in relation to the specific facts of any such situation.

### **Termination procedures**

Signatories must advise students of their termination procedures, including the situations in which the signatory reserves the right to terminate tuition. These may include:

- Continued and unexplained absenteeism
- The exclusion or expulsion of the student in accordance with the Education Rules 1999 (Stand-down, Suspension, Exclusion, and Expulsion)
- Provision of false or misleading information by the parent or student on enrolment
- Inadequate progress by the student
- Failure of payment of fees
- Where the signatory is unable to guarantee accommodation due to the student's behaviour
- In the event of criminal behaviour by the student (including such behaviour outside the signatory's premises)
- An inability to attend for reasons such as illness or family obligations, where the student cannot make up the missed course time and needs to re-enrol if they wish to complete the course
- Any breach of disciplinary regulations
- Where the signatory is unable to comply with the Code regulations to ensure their duty of care for the student.

### **Termination procedures should**

- Include the processes that signatories will follow when considering termination of enrolment for a student
- Inform both the student and their parents of their advocacy and representation rights
- Refer to the student's right of appeal, and the appeal process
- State that Immigration New Zealand will be notified in the event of any termination.
- Observe all relevant regulations.

Signatories should base any decision to terminate enrolment on an evidence/information base. This allows signatories to assess the situation objectively and to establish if termination is the correct decision. The student and parents should be given the opportunity to respond to any prejudicial information before a decision to terminate is made, to ensure that the decision is fair and that any inaccurate information can be corrected.

#### **7.2.6** Details of the signatory's fee protection and refunds policy;

### **Fee protection policies**

Fee protection policy details must be included in written information given to parents.

### **Refund policies**

A copy of the refund policy must be given to parents in their pre-application material.

The parent should sign a statement (attached to the Tuition Agreement) that they have read, understood and agreed to the terms of the refund policy.

### IEAA Reports

The IEAA (International Education Appeal Authority) investigates complaints from international students about pastoral care aspects of advice and service received from their Education Provider or the provider's agents. For further details see clause 23 of these guidelines.

The IEAA advises that "an agreement for tuition for the following year is in effect a new contract involving a commitment between the parties." Therefore a Tuition Contract with attached Refund and fee Protection policies should be signed each year that the student is enrolled at the school.

Ref: Case 3 Annual Report 1 October 2004 to 30 September 2005.

When developing a refund policy, signatories should have regard to:

- The Education Act 1989
- The Fair Trading Act 1986
- The Consumer Guarantees Act 1993
- The Human Rights Act 1993
- The individual contract with the student.

### The Education Act 1989

Refund conditions are governed by legislative provisions in the Education Act 1989 for certain types of providers.

#### State schools

The Education Act 1989 Section 4B (7) states:

- (7) Where at any time a foreign student withdraws from a subject, course, or programme at a State school, the board may refund to the person who paid (in respect of the student's enrolment in the subject, course, or programme) the amount of the fees referred to in subsection (1) of this Section (or the sum of any instalments paid in respect of those fees) any amount it thinks appropriate not exceeding the extent (if any) by which the amount paid exceeds the sum of the following amounts:
- (a) the board's best estimate of the cost to the board (including the appropriate proportion of the board's administrative and other general costs and the appropriate proportion of any initial or start-up costs of the subject, course, or programme) of providing tuition in the subject, course, or programme for 1 student up to that time;
  - (b) an amount that is in the board's opinion an appropriate reflection of the use made by 1 student receiving tuition in the subject, course, or programme of the board's capital facilities;
  - (c) the appropriate proportion of the amount (if any) prescribed under Section D of this Act for a student receiving tuition at a State school in the subject, course, or programme;
  - (d) all other fees (if any) prescribed by the board.

This means that when a foreign student withdraws, the board may refund to the student the amount it thinks appropriate, less:

- The cost to the board of administrative and general expenses
- The cost of the use of the capital facilities by the student for the time they were in the course
- The cost of providing tuition to the student (including the wages of support staff)
- Any other costs (including the Government levy).

### The Fair Trading Act 1986

The Fair Trading Act applies to educational services provided to international students. Education providers must not:

- Mislead students, or engage in behaviour that is likely to mislead students, about educational services, including over the nature, characteristics, suitability for a purpose, or quantity of educational services

- Make any false or misleading representations to students about educational services. This includes (amongst other things) false representation of services that are:
  - a) of a particular kind, standard, quality, or quantity
  - b) supplied by a particular person or by any person of a particular trade, qualification, or skill
  - c) sponsored, approved, endorsed, or affiliated
  - d) offered at a particular price
  - e) needed for a particular purpose

### The Consumer Guarantees Act 1993

The Consumer Guarantees Act applies to educational services supplied to international students, and states that services must be:

- Carried out with reasonable care and skill
- Fit for the purpose for which they are required
- Completed within a reasonable time
- Reasonably priced
- Of such a nature and quality that they can reasonably be expected to achieve any particular result made known to the education provider

**7.2.7** Details of the types of accommodation applicable to the student (as set out in clause 15) and that are acceptable to the signatory; and

These should be given to parents prior to the signing of any enrolment contract. Any amendments to the contract must be communicated to parents in writing.

**7.2.8** Details of the course start date, specifying the date from which the student's attendance is required.

Provision of this information in writing is very important in the event of a complaint being made to the IEAA.

**7.3** Signatories must provide details of the following to international students if applicable to the signatory:

**7.3.1** Courses available for international students;

Information on courses includes all of the following that are applicable to the signatory:

- Which courses international students may apply to enrol in. A brief overview of the governance and structure of education provision in New Zealand can be found at: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForInternationalStudentsAndParents.aspx>
- Any courses specifically for international students
- Courses in which there are limited places available for international students
- Any NCEA or other qualification requirements.

**7.3.2** Bridging courses and pre-sessional and in-sessional English language programmes;

Signatories are required to provide the student with information about the school programme offered and to explain how these programmes relate to the student's current and future study. Signatories must ensure that these courses are aligned with the student's career and academic intentions.

- 7.3.3 Arrangements for the recognition of prior learning: and
- 7.3.4 Details of credit transfer processes.

Schools should ask applicants to provide reports and results from their previous educational institution.

- 7.4 When enrolling international students, signatories must ensure that international students have appropriate and current medical and travel insurance for the duration of their planned period of study.

### What does “when enrolling international students” mean?

The term “enrolment” is not defined in the Code or in the Education Act 1989. The usual definitions include “to admit – to allow entrance”. The process of enrolment differs between provider types, as will the most appropriate time for signatories to ensure that students have appropriate and current insurance. In most cases, enrolment begins with the offer of place and fees receipt process. Enrolment may be commenced overseas, but then finalised on the student’s arrival in New Zealand.

Proof of insurance cover must be required before the signatory confirms the enrolment. Schools must retain a record of the insurer and policy number of all their students, which may be used in the event of an emergency. Schools must know at all times which insurance each student has and what the expiry date of that insurance is.

Signatories must determine what level of cover is appropriate for their school and ensure that international students have an appropriate and current policy for the duration of their planned period of study.

This includes students who:

- will be coming to New Zealand from overseas
- are already in New Zealand and enrolled at a New Zealand education provider
- are on short courses
- are group students

When considering what cover is appropriate, schools should consider the suggested minimum content for appropriate insurance policies (listed below) but should also ensure that the likely activities a student will undertake while in New Zealand are also covered, e.g. activities outside the classroom such as skiing, climbing or horse riding.

Schools must ensure that they are able to assess the policy rather than relying on a parent or agent who insists that it meets the signatory’s requirements. This may require the signatory to insist that insurance policies are provided in English or that translated versions of a policy are supplied before the student is enrolled. Schools need to know the exact level of cover provided for the different categories.

A number of Insurance Companies in New Zealand offer cover that is specially designed to meet the needs of international students in New Zealand and which fully meet the Code’s suggested minimum content for appropriate insurance policies.

### Suggested minimum content for appropriate insurance policies

Signatories are reminded that insurance policies are subject to change. Signatories should regularly check the terms of insurance policies.

#### Start of cover

The policy should:

- Commence the minute the student leaves home for the airport on their way to New Zealand
- Apply while in transit

- Apply while the student is in New Zealand
- Cover the student for any trips to other countries during the period of study
- Cover the student for any holidays back to their home country during the period of study.

When enrolling students who are already in New Zealand, schools must ensure that they have an appropriate policy prior to confirmation of their enrolment.

### **High sums insured and medical benefits**

“Sums insured” is the money available in the event of a claim. It is imperative that the sums insured are very high so they will not be exceeded in any possible claim.

Medical benefits generally range from general practitioner visits and prescriptions through to major hospitalisation (both public and private), optical cover and emergency dental cover.

It is preferable that no excess is applied to medical claims as this could deter students seeking treatment.

### **Emergency evacuation/repatriation**

Repatriation represents the cost of getting the student home. The benefit works two ways:

- If the student becomes seriously ill or injured and needs to be accompanied home with medical professionals, these costs are met by the insurance
- If members of the student’s immediate family living overseas become critically ill or die, the policy will fly the student home, and then back to New Zealand to complete their studies.

Ideally the policy should have “unlimited cover”, as very large sums can be incurred in these situations.

### **Accompanying relative cover**

If an overseas student in New Zealand becomes seriously ill or dies, the policy should pay for parents to fly to New Zealand on the first available flight. The day-to-day accommodation and reasonable living costs in New Zealand for the parents should be met, as should the cost of their airfares home.

### **Personal effects**

Insurance should cover students’ personal effects, including items like expensive musical instruments, laptop computers, and sporting equipment.

Limits should be realistic but able to be increased to represent the actual value of particular items.

### **Personal liability cover**

This benefit applies when a student causes accidental damage to property at a school or homestay (e.g. breaking expensive laboratory equipment, spilling paint on the carpet).

While persons affected could claim on their insurance, their insurance company should be provided with details of the student’s insurance to recover costs from the student’s insurer.

### **Desirable additional policy components**

Signatories may wish to investigate a range of additional policy components such as:

- Loss of fees due to unforeseen events that are insured and unrecoverable from any other source.  
For example:
  - a) the student is ill, injured, or deceased in New Zealand and unable to complete a course
  - b) travel delay occurs en route to New Zealand
  - c) a relative becomes critically ill, injured, or dies in the student’s home country.

### **Mental illness**

Signatories may wish to investigate insurance that covers mental health.

### Continuation option

It is prudent to ask if a continuation is available for on-going treatment for the period when the student has returned home until the policy has expired.

### Ensuring that insurance is appropriate and current

When checking insurance policies, signatories should ensure that:

- The insurer/re-insurer is a reputable and established company with substantial experience in the travel insurance business, and has an excellent credit rating
- The credit rating should be no lower than A from Standard and Poors, or B+ from A M Best. AAA is the highest credit rating
- The insurer is able to provide emergency 24-hour, 7-day-per-week cover.

### Where to go for help

Schools wanting information on appropriate plans or independent advice should contact specialist travel/medical broking houses or insurance companies.

Schools should seek legal advice to determine whether there are any legal risks or duty of care liabilities if they:

- Recommend a particular insurance policy to students
- Make a particular insurance policy a condition of enrolment
- Receive 'commissions' from insurance providers.

All compulsory insurance fees and levies should be included in the premium. Schools are advised to check this with insurance providers.

### Separate medical and travel insurance policies

Generally students should have combined travel and medical insurance on one policy, but separate policies are permitted. Where students have separate travel and medical insurance policies, the travel insurance policy should cover:

- Loss of baggage and other personal effects
- Accident and injury
- Disruption to travel plans
- Cost of medical care in any "stopover" countries
- Costs associated with the death of a student.

### Health and travel insurance for foreign/international students exempt as 'domestic' or 'domestic for fees purposes'

The 'Guide to Eligibility Criteria for Publicly Funded Health and Disability Services' provides information on eligibility for publicly funded (free or subsidised) health care in New Zealand. The Guide is available on the Ministry of Health website at [www.moh.govt.nz/moh.nsf/indexmh/eligibility-guidehome](http://www.moh.govt.nz/moh.nsf/indexmh/eligibility-guidehome) and allows a student to answer yes or no to a series of questions until a page is reached that best describes that student's situation. It then provides information on whether the student is eligible for publicly funded health and disability services, the eligibility criteria and what the student will need to prove their eligibility.

Eligibility for publicly funded health and disability services for foreign/international students is not determined by their domestic or foreign fee-paying status. It is provided by the Eligibility Direction under section 32 of the New Zealand Public Health and Disability Act 2000 ([www.moh.govt.nz/eligibility](http://www.moh.govt.nz/eligibility)). The direction describes the groups of people who are eligible. Eligibility means the right to be considered for these services and not a right to receive those services. Each person must meet the eligibility criteria in their own right. The eligibility of a person's partner, for example, does not automatically give the person the same eligibility.

**7.5** Signatories must determine, document, and maintain the following information relating to each international student on enrolment, and hold this information at all times:

**7.5.1** Full name;

**7.5.2** Current address and accommodation type, and contact phone number(s);

For students under the age of 18 signatories are required to take responsibility for students' living arrangements unless they are living with their parents (see clause 15.5). The application form should record whether the student is intending to live in a homestay, with a parent designated caregiver, with a parent or in a school hostel. Students in secondary schools may also be accommodated in licensed boarding establishments. It is also good practice to record the accommodation type under "Guarantee of Accommodation" on the student's offer of place.

**7.5.3** Passport and visa/permit details (photocopy and/or electronic copy, or scan of title page and current visa/permit);

**7.5.4** Full names and current addresses of parents for students under the age of 18, and of emergency contact persons and/or next of kin for students aged 18 and over; and

**7.5.5** Medical and travel insurance details.

In addition to the information required by the Code, schools should also hold the following information on student files:

- Application forms and supporting documentation e.g. reports from previous education providers, information provided by agent, birth certificate or Household/Family Register (Korean) if required
- Enrolment or Tuition Contract
- Enrolment form
- Contact details of residential caregiver
- Designated caregiver indemnity form and agreement (if applicable)
- Records or copies of parent's and designated caregiver's immigration visa/permits
- Records or copies of communications with staff, residential caregiver, student and student's parents
- Records of student interviews – accommodation, academic and welfare
- Records of actions taken with respect to the student
- Reports or records of academic achievement
- Details of the management, and outcome of grievance processes
- Details of any transfers
- Records of financial transactions.

Copies of the passports and visas of parents of students in years 1 to 8 of a school (unless exempt) should be kept to ensure the parent is able to legally live in New Zealand for the period of the student's enrolment.

A designated caregiver's immigration status should be checked for the same reason.

**7.6** Signatories must advise international students on enrolment that they are required to notify the signatory of any change in their:

**7.6.1** Contact details;

**7.6.2** Accommodation type;

**7.6.3** Residential address.; and

**7.6.3** Immigration status.

Current contact details will be vital if a student stops attending without withdrawing, and/or the signatory has concerns for the welfare of the student.

## 8 Staff members representing signatories overseas

**8.1** Staff members marketing and recruiting overseas must:

- 8.1.1** Have knowledge of the signatory's programmes, administrative procedures, qualifications, and assessment systems as they apply to international students;
- 8.1.2** Be sensitive to the culture and customs of the country in which recruitment is being carried out; and

To meet this requirement, staff members may have:

- Knowledge of social customs and what is considered polite/appropriate behaviour in different settings
- Some basic language skills for the country they will be travelling to, including appropriate greetings.

This information and knowledge could be obtained by prior travel and exposure to other cultures or by in-house cultural familiarisation presentations by students and any staff who have experience of those countries.

- 8.1.3** Advise prospective students of any significant barriers relating to courses and qualifications offered by a provider being recognised for employment or further study in the student's home country when the career intentions of the student have been made known to the staff member.

In order to be able to advise students of the matters in clause 8.1.3, staff members should have:

- Knowledge of the New Zealand education system
- Knowledge of source country qualifications
- An appreciation for any discrepancies between the two systems that mean that certain New Zealand qualifications would not be recognised in that country for tertiary or professional pathways.

### Suggested good practice

To ensure that staff members have the requisite attributes under this clause, signatories could use a process where staff members who will be travelling overseas are given in-house training. Details of training, knowledge, and experience should be documented in a form that lists the required competencies, and records how the staff member meets these. An appropriate management staff member should sign off this form.

**8.2** Staff members working overseas who receive enquiries from prospective international students about enrolment with the signatory must refer those prospective international students to staff members with the knowledge and skills identified in clauses 8.1.1 to 8.1.2 above, if those enquiries are outside the scope of the staff members' knowledge.

This clause applies to teaching staff and other staff members who are not specifically involved in marketing and recruiting students, but who may be approached by prospective students as representatives of the signatory or an associated signatory.

These staff members are not required to have the training, knowledge, and skills required of marketing and recruiting staff, but are required to refer student enquiries to other staff who have the knowledge and skills identified in clauses 8.1.1 to 8.1.3 if they are unable to address them.

## 9 Immigration requirements

Immigration requirements and questions relating to a student's immigration status rest with Immigration New Zealand. Please refer to Immigration New Zealand's website for details: <http://www.immigration.govt.nz/migrant/stream/study/>

**9.1** Signatories must inform prospective international students that the student must meet the requirements of Immigration New Zealand to study in New Zealand.

**9.2** Where a prospective international student does not hold authority from Immigration New Zealand to study, or a signatory is unable to determine whether a prospective international student holds the necessary authority, the signatory must either:

**9.2.1** Obtain advice from Immigration New Zealand, or

**9.2.2** Advise the international student to seek advice from

(i) Immigration New Zealand, or

(ii) an immigration adviser licensed under the Immigration Advisers Licensing Act 2007, or

(iii) a person that is exempt from being licensed under the Immigration Advisers Licensing Act 2007

and ensure the prospective international student holds authority from Immigration New Zealand to study before allowing that person to undertake any course of study or training.

A register of licensed immigration advisers is available from the Immigration Advisers Authority website at [www.iaa.govt.nz](http://www.iaa.govt.nz).

Schools must determine that the students have a current and appropriate visa. This should be done by:

- Sighting the visa in the passport
- Photocopying the title page and the visa page of the student's passport, and keeping this information on file
- Entering the commencement and expiry dates of the visa and passport into a computer database.

When sighting the student's visa and passport, signatories should check:

- That the name of the signatory is on the visa
- The dates on the visa.

### **Suggested good practice**

When a student's visa is due to expire prior to the end of their course, schools should write to students advising them to seek a renewal of their visa at least a month in advance of the visa expiry date.

Passport, visa details of parents should be photocopied and filed to ensure that the parent's visa/permit enables them to live with their child throughout the period of her/his enrolment.

**9.3** Signatories must immediately report any termination of enrolment to Immigration New Zealand, using the electronic notification form available at [www.immigration.govt.nz](http://www.immigration.govt.nz).



## Part 3 CONTRACTED AGENTS

### 10 Recruitment and accommodation agents

#### Recruitment agents

**Recruitment agent** means a person or organisation, other than the signatory or its employees, involved in the identification and/or recruitment of potential international students, whether individually or in a group, either in an overseas market or in New Zealand.

When contracting new recruitment agents, signatories should:

- Request a company or agency profile
- Undertake reference checks. Referees should include other signatories, and these should be contacted
- Conduct an interview. Where possible this should be a physical meeting at the premises the agent operates from. Ask about the agent's contacts in education in the home country, and the kinds of areas and education institutions that the students will come from
- Ensure that agents have good communication skills

If a signatory decides to work with a recruitment agent, a written contract must be agreed. This contract must include clauses 10.1 to 10.7 (detailed below) and:

- The role of the agent, any commission between the signatory and the agent, and whether the agent will charge additional fees to the student
- The circumstances in which commission will be paid
- Processing fees
- Expectations of the roles/duties of the agent/provider while the agent is recruiting students for the provider
- Expectations of the roles/duties of the agent/provider while the student is enrolled with the provider.

It is recommended that signatories include a review clause in contracts with agents. A contract for a period of one year with a review to be undertaken yearly, and continuation of the contract to be dependent on the outcome of the review, would allow the signatory not to continue the contract if the agent turns out to be unsuitable.

Agents should be monitored on an ongoing basis. Suggestions for monitoring include:

- Student (or parent) evaluation of agents (e.g. by way of an exit survey)
- Performance reviews.

Signatories should also ensure that up-to-date information is provided to agents, and that good communication channels are established between the signatory and the agent.

A sample Recruitment Agent's Contract is available at: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/AgentContracts.aspx>

#### Accommodation agents

An **accommodation agent** is a person or organisation, other than the signatory or its employees, involved in managing the selection, placement and monitoring of international students, whether individually or in a group, in accommodation on behalf of a signatory.

When contracting accommodation agents, signatories should request:

- History, experience and relevant training
- Two written references, including at least one from an education provider. References should be contacted
- Registration with the New Zealand Police Vetting Service
- Evidence of ability to communicate with all parties (signatory, homestay families, parents, students).

If a signatory decides to work with an accommodation agent, a written contract must be agreed. This contract must include clauses 10.1 to 10.7 (detailed below) and:

- Clear definitions of roles and responsibilities
- Financial obligations
- Expectations of the roles/duties of the agent while the agent is providing accommodation for the signatory's students
- Procedures for resolving any disputes or disagreements
- Procedures and basis for termination of contract.

It is recommended that signatories include a review clause in contracts with agents. A contract for a period of one year, with a review to be undertaken yearly, and continuation of the contract to be dependent on the outcome of the review, would allow the signatory not to continue the contract if the agent turns out to be unsuitable.

Agents should be monitored on an ongoing basis. Suggestions for monitoring include:

- Parent evaluation of agents (e.g. by way of an exit survey)
- Performance reviews.

Signatories should also ensure that up-to-date information is provided to agents, and that good communication channels are established between the signatory and the agent.

A sample Accommodation Agent's Contract is available at: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/AgentContracts.aspx>

### **10.1** Signatories must advise agents acting on their behalf that agents must comply with the Code.

Signatories must ensure that the agent has read and understood the Code and has procedures in place to comply with the Code. This must be included in the agreed contract with the agent. It may be necessary for providers to train agents about the Code.

### **10.2** Signatories must provide or direct agents to a copy of the Code, in the agent's first language where available.

Copies of the Code can be downloaded in the following languages:

Arabic  
Chinese  
Japanese  
Korean  
Thai.

<http://www.minedu.govt.nz/educationSectors/InternationalEducation/ForInternationalStudentsAndParents/CodeOfPracticeInfoForStudents.aspx>

### **10.3** Signatories must have written contracts with agents. Such contracts must confirm that the agent is aware of and agrees to conform with the Code, and state that the contract may be terminated for breach of the Code by the agent.

If a signatory decides to work with an agent, a written contract must be agreed. The contract must include a written clause that confirms the agent is aware of the Code and agrees to conform with the Code, and states that the contract may be terminated for breach of the Code by the agent.

**10.4** Signatories acknowledge that the ethical performance of agents is of paramount importance.

Signatories should monitor the actions of agents to ensure that agents are not engaging in unethical behaviour, including:

- “Poaching” (where an agent entices a student to enrol with another signatory, e.g. by approaching the student at the airport on their arrival to New Zealand)
- Putting students the agent has acted for previously under pressure to transfer to the signatory, or to another signatory, for the purpose of obtaining additional commission
- Producing materials with unsubstantiated claims
- Representing signatories in a misleading or dishonest manner.

Signatories should have processes and procedures for monitoring agent performance, and clear communication lines for guidance of and information provision to all agents.

When considering whether the performance of an agent is satisfactory and/or appropriate, the best interests of students must be placed first.

**10.5** If a signatory becomes aware that an agent is:

**10.5.1** Engaging in any false, misleading, or deceptive conduct, whether intentional or not; and/or

**10.5.2** Contravening any of the signatory’s obligations under the Code the signatory shall immediately advise the agent in writing that they must cease that activity.

**10.6** If the agent fails to cease the activity, the signatory must immediately:

**10.6.1** Withdraw their accreditation of that agent;

**10.6.2** Terminate their agreement with that agent; and

**10.6.3** Stop accepting students through that agent.

For an indication of what might amount to false, misleading, and deceptive conduct, see the Fair Trading Act 1986. Section 9 covers misleading and deceptive conduct, and Section 13 covers false or misleading representations. The legislation can be viewed online at [www.legislation.govt.nz](http://www.legislation.govt.nz)

When invoking this Section, signatories must ensure that they follow a proper process to determine the actions of the agent. Signatories are strongly advised to obtain their own legal advice regarding termination of contracts.

**Recommended process for determining actions of agent**

- 1 Approach the agent and ask for their version of events.
- 2a If satisfied with the agent’s version of events, conclude that the agent has not committed a breach.
- 2b If not satisfied with the agent’s version of events, investigate the matter further and gather evidence.
- 3 Present all evidence to the agent and request a response in writing.
- 4 Consider the agent’s response and conclude if there has been a breach.
- 5a If satisfied with the agent’s version of events, conclude that the agent has not committed a breach.
- 5b If it is considered there has been a breach, warn the agent in writing.
- 6 Monitor the agent’s behaviour to determine if any further breaches are committed.
- 7 In the case of alleged further breaches, follow steps 1 - 6 again.
- 8 When documented evidence (responded to by the agent) indicates that the agent has committed two breaches, or demonstrated a continuing unethical pattern of behaviour, the agent’s agreement may be terminated under Code clause 11.3 (which must form part of the agent’s agreement).

**10.7** Signatories must advise agents of the division of responsibility between the agent, the signatory, and residential caregivers.

Signatories are advised to consider situations where the recruitment agent, working on your behalf, is also an accommodation carer. This could potentially place them in a conflict of interest situation whereby they are contracted to the provider for recruitment but obligated to the parent as a designated caregiver. It could place the provider in a situation where they have to share information about the agent with the parent that may harm the provider recruitment agent relationship.

## Part 4 CONTRACTS AND INDEMNITY

### 11 Contractual and financial obligations of signatories

**11.1** Signatories must comply with all relevant provisions of the Act in their dealings with international students.

**11.2** All contractual and financial dealings related to the enrolment of international students between signatories or their agents and international students must be conducted in a fair and reasonable manner.

#### IEAA Reports

The IEAA (International Education Appeal Authority) investigates complaints from international students about pastoral care aspects of advice and service received from their Education Provider or the provider's agents. For further details see clause 23 of these Guidelines.

Ref. IEAA Report 2005-2006 Case 12: school refund.

- 11.3** All contractual and financial arrangements between signatories and/or recruitment agents on the one hand and international students on the other hand must be recorded in writing, and international students or their parent/s must be given a copy of any agreement they are a party to.
- 11.3.1** Every agreement between signatories and international students and/or their parents must contain the terms and conditions of the student's enrolment and the refund policy of the signatory.
  - 11.3.2** Every agreement between signatories and international students who are under 18 years of age must be signed by their parent/s.

The Code requires signatories to be responsible for ensuring that parents enrolling their children in schools receive a copy of any contract they are a party to.

Where signatories use agents, the responsibility for the parent receiving any documents is the signatory's.

#### Suggested content for international student enrolment or tuition contracts

Suggested clauses for inclusion in student contracts are as follows (note that this is not an exhaustive list, as relevant contract content will vary between signatories):

- Refund policy and fee protection policy should be attached as Schedules to the Contract
- Attendance policy (and absence procedures)
- Termination procedures (the circumstances in which a signatory may terminate a student's enrolment)
- Withdrawal procedures (what a student must do if they wish to leave the signatory)
- Expected standards of student behaviour
- If students are only permitted to live in a signatory-approved homestay or other fixed accommodation, that this is a condition of enrolment

- Holiday policy (for under 18 year olds)
- Requirement to inform of change of contact details in New Zealand and in the home country (see clause 7.6)
- Signatory's policy defining appropriate insurance (see clause 7.4)
- Providers should require students/parents (if the student is under 18) to declare any medical or learning needs on the Application Form and to sign that the information given is accurate
- It should be noted that international Students are not eligible for special needs funding.

### **Suggested content for agent contracts**

Suggested clauses for inclusion in agent contracts are provided in Part 3: Contracted agents, clause 10 Recruitment and accommodation agents. Please see this clause for more details.

Signatories are strongly advised to obtain their own legal advice regarding contracts.

### **Resources and other sources of information**

The Ministry of Education international website ([www.minedu.govt.nz](http://www.minedu.govt.nz)) has examples of international student contracts, application forms, refund policies, and fee protection policies.

#### **11.4** Signatories must have a fee protection policy to safeguard all fees paid by international students.

The fee protection policy must have the effect of preserving all international student tuition and homestay fees, paid in advance, in full so that they can be accessed in the event of the school becoming unable to offer a course or programme to students.

Signatories must notify the parents / students of their fee protection policy on enrolment.

### **Schools**

Fee protection should be seen as part of a school's overall risk management policy. A school's risk management portfolio usually includes prudent financial management, supported by liability insurance cover either through the Ministry of Education's risk management programme or other insurance protection. Boards are strongly advised to consult their insurance advisors when developing a fee protection policy and to make arrangements appropriate to their needs.

There are two sets of risks that need to be taken into consideration. The first area of risk is the public liability should a school or its agents be found negligent in service delivery. This is an insurance risk, and schools should have appropriate insurance that provides professional indemnity protection for the school, and trustees' liability protection for the Board of Trustees.

The second area of risk is the security of student fees paid in advance where the school is no longer able to deliver or continue a course or programme. This is a financial or trade risk as the school has the legal duty to refund the 'unearned' portion of the fee.

The aim of a fee protection policy is to ensure that a school is always in a position to meet the "worst case scenario" and is able to refund fees quickly to students. Schools should not spend student fees income in advance. Fees income is not fully "earned" until the completion of the course or the school year.

To ensure that schools comply with the Code and do not put international students' funds at risk, it is recommended that:

- A separate bank account and special ledger codes are established to manage all international student fees
- The cash for international student funds paid in advance should not be spent until the school has 'earned' the funds
- Fees received in advance are only released for spending by the school on a pro rata basis as the course progresses, (e.g. downloaded a term in arrears, with portions transferred to the Board's main bank account as the fees are 'earned')

- Where one signatory is unable to continue to deliver a programme, the signatory should try to enrol the student(s), without additional cost (to the students), with another signatory where the curriculum and courses are similar. Where this is possible, outline what the organisation would do to place the student at another signatory in order to continue or complete their studies and to ensure that students are given credit for what they have completed
- Students who cannot be transferred should receive a refund of the “unearned” portion of their fee.

Schools should refer to the Ministry of Education’s circulars for further information on international students’ funds.

## 12 Indemnity

- 12.1** Each signatory is responsible for its own compliance with the Code, and indemnifies the Administrator against all expenses, losses, damages and costs (on a full indemnity basis) incurred by or awarded against the Administrator arising out of any claim by any person in relation to:
- 12.1.1** The signatory’s, or its agent(s)’, breach of any provision of the Code;
  - 12.1.2** The manner of the signatory’s, or its agent(s)’, performance of any of the signatory’s obligations under the Code; and/or
  - 12.1.3** Any false, misleading, or deceptive conduct of the signatory or its agent(s)’, whether intentional or not.

This indemnification is included as part of the process of becoming a signatory to the Code.

The International Education Appeal Authority (IEAA) has determined through a number of cases that when a signatory’s agent engages in false, misleading, and deceptive conduct, then the responsibility for the actions of that agent lie with the signatory. This means that students are able to take complaints about the agent to the IEAA and that the signatory may be held liable for any findings against the agent.

- 12.2** The principles of fairness and natural justice will be applied in the consideration of any claim under clause 21.1.



## Part 5 WELFARE

### 13 Support services

**13.1** Signatories must designate an appropriate person or persons to be responsible for all inquiries about pastoral care from international students. The existence and availability of this person or persons must be advised to students on enrolment.

The designated person(s) must be a staff member accessible on the signatory's premises during tuition hours. Because international students may require assistance at any time, a 24/7 contact number should be provided to all students and their parents (for students under 18).

Signatories should ensure that staffing and financial allocations are sufficient to meet the pastoral care needs of students and, in particular, to provide the support services specified in the Code. Contact details for the designated staff for pastoral care should be included in brochures, on the website, in student handbooks, in commencement/orientation packs, and as part of the orientation process.

The table below lists the core competencies required for the designated person(s) for pastoral care. It is desirable the person(s) should have counselling capabilities. If this is not possible, signatories should facilitate access by students to external counsellors.

Skills	Attributes	Knowledge	Attitudes
Listening	Professional	General broad knowledge	Empathy
Mediation	Ethical	Local networks/communities	Warmth
Public speaking	Mature	Another culture through in-depth experience of living or working with another culture	Committed to professional development
Negotiation	Efficient	The institution and its strategic initiatives and programmes	Culturally sensitive
Problem Solving	Good judge of character	Cultures and cultural norms of students	Open
Cross-cultural communication	Specialised	Education	Objective
Project management	Wisdom	Immigration regulations and processes	Assertive/firm
Ability to identify issues	Flexible	Code of Practice	Enthusiastic
IT literacy	Multi-tasking	Another language	Non-prejudicial
Counselling	Possess initiative	Accommodation options	Patient
Document/record keeping	Trustworthy	The health system	Confident
Crisis management	Committed	The legal system	Respectful
Team work		The banking system	
Communication		The education system	
Advocacy		Local religious groups driving laws tenancy laws	

Pastoral care staff must have access to a private room for interviews and meetings with students. Records should be kept of all meetings with students. Staff should be careful to respect student confidentiality, and comply with the Privacy Act 1993 with regard to personal information. General staff should not have access to personal information relating to student complaints or issues.

### Staff to student ratios

Appropriate staff to student ratios for pastoral care will be dependent on a number of variables. Signatories should consider their individual situation and determine an appropriate ratio.

### Variables

Factors leading to the requirement for greater numbers of staff include (but are not limited to):

- High proportion of students under the age of 13
- High proportion of students under the age of 18
- High proportion of students in New Zealand for the first time
- High proportion of students with a poor command of English
- Number of orientation/intakes per year (orientation must be provided for each intake, and ongoing information must be provided following orientation)
- High proportion of students moving on to other courses/institutions. (Note that it is an administration staff task to track student movement, but this should include academic and pastoral care components)
- Degree of involvement with homestays and other accommodation checking (e.g. are homestays arranged by the signatory, or is this contracted out?)
- Division of responsibilities.

Other variables may include:

- The range of tasks required by pastoral care staff (e.g. if administration duties are required in addition to pastoral care, this may take up a significant amount of staff time and more pastoral care staff may be required)
- The skills of other staff members in communicating with, and dealing with enquiries from, international students (if other staff are less skilled, more pastoral care staff may be required)
- The effectiveness of procedures (when procedures are not suited to the needs of international students, the work of pastoral care staff will increase).

## 13.2 Signatories must provide support services to international students, including (but not limited to):

### 13.2.1 An orientation programme appropriate to the type of institution and the student;

Initial orientation should take place soon after students commence their course of study. Students who arrive partway through a course, or at times other than the normal start of an academic year, semester, or term, must receive a full initial orientation. Orientation to aspects of New Zealand life and culture should be ongoing throughout the student's course or programme, and not limited to one single event.

### Information to be given to students during orientation

In addition to the information required in clauses 13.3.1 to 13.3.7, information provided to international students during orientation should include, but is not limited to:

- Advice on living environments and what students can expect from their accommodation
- Routine activities of daily living
- Surrounding rural or urban environment
- Banking information and how to open a bank account
- Information about cultural, recreational, and sporting activities
- Transport arrangements
- Student rights

- How to make a complaint (the provider's internal grievance procedures and the IEAA)
- How to access support
- Management of finances
- Culturally appropriate behaviour in New Zealand (this could cover things like spitting, chewing, and smoking as well as personal hygiene)
- Health and medical treatment
- "Keeping safe" information
- 24-hour contact name and number for use in case of emergency – An emergency wallet-sized card with 111, school 24/7 number, taxi, school, student's name and contact details is recommended for young students
- Management of emergency situations, including emergency numbers
- "Getting Help" wallet resource or poster which can be downloaded and adapted to provide information specific to each school – available from [www.minedu.govt.nz](http://www.minedu.govt.nz)

Key community representatives such as the Police and Family Planning could be invited to speak to students.

Students should be given a student handbook that contains key information from orientation.

Schools could hold weekly meetings with all international students to discuss issues and disseminate information as it becomes applicable.

Information could be given to students on application, or a pack could be sent prior to student arrival in New Zealand. A DVD presentation could be developed for use by individual students not present at scheduled meetings.

### **13.2.2** Assistance to students facing difficulties adapting to the new cultural environment; and

Signatories should provide or facilitate the provision of counselling services plus appropriate first language interpreting to students. Signatories should also be familiar with the elements of "culture shock" and the stages that this involves.

"Culture shock" is the term used to describe the physical and emotional discomfort suffered as a result of moving to a new cultural environment. There are several stages to culture shock, meaning that students may not demonstrate any of the symptoms of culture shock until some weeks after their arrival in New Zealand, when signatories may think that they have "settled in". However, the first few days and weeks in the country are crucial and maximum effort should be put in to supporting students during this time.

Signatories may use outside agencies including community ethnic groups to assist students who are having particular problems adjusting to New Zealand culture and way of life.

### **13.2.3** Advocacy procedures, to ensure students are made aware of their rights and the signatory's obligations under the Code and how to access internal and external grievance procedures.

For details about grievance procedures, see clause 22 in these Guidelines.

## **13.3** In addition to the requirements in clauses 13.1 and 13.2, signatories must provide the following support services to international students if applicable:

### **13.3.1** Information and advice on accommodation, including advice on whether the signatory has assessed the suitability of any accommodation and the result of any such assessment;

Usually this information will be provided by the school's designated person to assist with accommodation enquiries (required by clause 15.1).

Accommodation that students are required to live in as a condition of enrolment with the signatory must be assessed in accordance with the standards set out in the Code.

Assessment processes may include:

- The processes set out in the Code, or any parts of those processes
- On-site inspections
- An agreement with an accommodation agent.

### **13.3.2** Information and advice on driving laws, driver licensing requirements, and road traffic safety, including pedestrian and cycling safety, in New Zealand;

Information is required to be given to students as applicable. Please take note of what students will do in New Zealand.

For example, students:

- Will need to cross the road while they are in New Zealand
- May drive a car, motorcycle, or other vehicle while they are in New Zealand
- May travel in a car or bus as a passenger while they are in New Zealand
- May ride a bicycle while they are in New Zealand
- May use public transport while they are in New Zealand.

Schools are advised to seek legal advice over any measures regarding international students driving and/or owning cars while enrolled at the school that they may wish to include in their international student policies and agreements.

#### **When should this information be given?**

Information should be given to students when they arrive in New Zealand as part of their orientation. All students must receive this information. If information has already been given to students at initial orientation, or has been covered in the curriculum, then it should be repeated for individual students or small groups.

Ongoing advice should be given to students from pastoral care staff, and could also provide a context for learning (e.g. English lessons could be developed around the theme of driving and road traffic safety).

Other suggestions for giving information to students include:

- Including a copy of the Road Code in commencement/orientation packs
- Placing Land Transport New Zealand posters on student notice boards
- Giving students pre-arrival information while they are still offshore
- Giving students a practical demonstration regarding pedestrian safety and using public transport, and written information on driving laws and driving licensing requirements.

### **13.3.3** Advice on courses;

Advice to be given to students includes all of the following that are applicable to the signatory:

- Careers advice and counselling
- Advice on courses students may undertake as part of their programme
- Advice on any prerequisites for courses
- Assistance where students are not achieving in a course and may wish to change courses or arrange extra tutoring.

### 13.3.4 Advice on welfare facilities, including personal health services, mental health services, drug education and counselling, and problem gambling;

If appropriate, these services may be provided directly to students or signatories could give information and advice on agencies and organisations that students may access support from, and should assist students to access this support.

Signatories should have pamphlets, contact details, and other information on file to assist students, again as appropriate.

#### Personal health services

Many international students come from countries in which the first point of contact for medical attention is a hospital. Such students will be unfamiliar with a primary health care system in which personal health services are usually provided by a general practitioner.

Students should be informed about the New Zealand health system so that they are able to:

- Make an appointment to see a GP
- Understand that GP consultations are confidential
- Understand what format an appointment with a GP will follow
- Understand where to take a script for a prescription
- Make use of their medical and travel insurance and understand their medical cover.

Signatories may compile a list of GPs in the local area who will be able to communicate with students in their first language.

#### Mental health services, including eating disorders

Information on mental health services can be obtained from the Mental Health Foundation of New Zealand at [www.mentalhealth.org.nz](http://www.mentalhealth.org.nz)

All areas in New Zealand have a regional mental health service able to provide an emergency response, advice, and support, and a face- to-face assessment if necessary. Psychiatric Emergency Services can be contacted on 0800 920 092. Members of the public may access this service if they are concerned about their own mental health or that of someone they know (especially if there are safety issues).

#### For urgent assistance after hours 7 days a week:

Auckland	0800 800 717
Hamilton	07 839 8899
Tauranga	07 579 8329
Wellington	04 494 9169
Canterbury	0800 920 092
Otago	03 474 0899
Southland	0800 467 846

For non-urgent issues, specialty mental health services are normally accessed by GP referral. Signatories with concerns about the mental health of a student should encourage the student and parents to make an appointment with their GP.

### Problem gambling

Practical sessions at orientation could include allowing students to talk about gambling. Discussions could include how to identify problem gambling, with students finding out answers and staff members correcting them if necessary. The Problem Gambling Foundation of NZ advises that even five or 10 minutes talking about the issue will be helpful.

Facts sheets are available at: <http://www.minedu.govt.nz/educationSectors/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/HealthResourceInternationalStudents.aspx>

#### 13.3.5 Advice on accessing information on sexuality education, health promotion, and sexual and reproductive health services;

Signatories should (as appropriate):

- Have an understanding of sexuality and sexual health education, health promotion, and clinical services available to students
- Provide information on health generally, and sexuality and sexual health in appropriate and accessible language translations.

When providing students with this information, signatories should:

- Acknowledge and understand the values of the students and their cultures
- Explain how students' values may differ from those they see around them in New Zealand
- Encourage students to retain their own values and normal behaviour if that is safe. (This may mean remaining sexually inactive)
- Warn students of the dangers/consequences of becoming sexually active in New Zealand. (This may include explaining sexually transmitted infections, pregnancy, and depression resulting from broken relationships and possible consequential academic failure)
- Provide access to translators during health information sessions
- Ensure that information provided is age appropriate.

In state schools international students and domestic students must be treated the same. When setting the health curriculum, which will include sexuality education, parents must be consulted. Signatories may wish to administer permission slips at time of enrolment to seek permission from parents for students under the age of 16 to attend such courses.

The Family Planning Association of New Zealand has experience and expertise in delivering education services for different cultural groups on sexuality information, relationships, and sexuality and reproductive health. For education services (for education providers and/or students) contact the Family Planning Association Education Service by phoning 0800 372 5463 or [www.fpanz.org.nz](http://www.fpanz.org.nz)

A list of agencies that offer support /guidance for health issues and sexuality education for international students can be found at: <http://www.minedu.govt.nz/educationSectors/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/HealthResourceInternationalStudents.aspx>

Signatories may also find it useful to give students information regarding socially and legally acceptable sexual and relationship behaviours in New Zealand, e.g. sexual violation. Students should be advised of their rights and responsibilities while in New Zealand. Information should also be provided regarding:

- Support available for people who have been sexually violated; and
- The legal consequences for those who sexually violate others.

#### 13.3.6 Information and advice on relevant New Zealand laws, including laws on the sale of alcohol and tobacco products; and/or

Legislation that may be relevant to international students includes:

- The Consumer Guarantees Act 1993, for information about guarantees for goods and services
- The Fair Trading Act 1986, for disclosure of consumer information relating to the supply of goods and services, and product safety
- The Human Rights Act 1993, for provisions on harassment and discrimination
- The Sale of Liquor Act 1989, for information about legal ages for purchase and consumption of liquor
- The Motor Vehicle Dealers Act 1975, for provisions relating to appropriate practices in the sale of motor vehicles
- The Immigration Act 1987, for student responsibilities relating to visas/permits
- The Disputes Tribunals Act 1988, for provisions relating to small claims
- The Education Act 1989, for student rights and responsibilities relating to education in New Zealand
- The Smokefree Environments Act 1990, for the legal age to sell and buy cigarettes, and other provisions relating to the use of cigarettes and tobacco
- Ministries of Agriculture and Fisheries and Customs for the taking or importing of products.
- The Land Transport Act 1998
- Misuse of Drugs Act 1975.

### 13.3.7 Information and advice on addressing harassment and discrimination.

The Human Rights Act 1993 prescribes prohibited grounds of discrimination for the purposes of that Act (clause 21), and discrimination in the form of sexual and racial harassment (clauses 62 and 63). The Harassment Act 1997 defines harassment for the purposes of that Act (section 3). The legislation can be viewed online at [www.legislation.govt.nz](http://www.legislation.govt.nz)

Signatories should provide students with relevant fact sheets or other written information and advice during initial orientation, and/or assist and support students who may be victims of harassment or discrimination during their enrolment.

Suspected harassment or discrimination should be reported to the police and/or the Human Rights Commission.

Signatories in Canterbury may wish to inform students of the [www.report-it.org.nz](http://www.report-it.org.nz) website for anonymous reporting of racial harassment.

### 13.4 Support services for international students must be tailored to meet the needs of international students.

International students have different needs from those of domestic students. These needs vary with the individual student and the culture involved. Signatories should be aware of these needs and have processes in place to support and assist international students. Specific needs of international students include:

- Orientation to their accommodation, the signatory, and the surrounding environment
- Homesickness support
- For younger students, normal developmental needs (such as puberty) that may require increased sensitivity because parents are not available
- An understanding of relationship expectations within the New Zealand environment, including students becoming involved in higher risk personal relationships due to feelings of loneliness, the lack of parental supervision, and the potential for experimentation with alcohol and drugs.

Signatories must support the social and psychological needs of international students. This includes:

- Access to appropriate counselling services (plus appropriate first language interpreters if necessary)
- Training and support of residential caregivers
- Sensitive management of internal and external grievance processes.
- First language cultural support and counselling. This is compulsory for students in years 1 to 8 of a school.

### Communicating with parents (international students aged under 18)

**13.5** Signatories must contact the parents of any prospective international student under the age of 18 prior to enrolling the student, and must establish communication arrangements with parents that can be used in the event of an emergency.

Establishing communication arrangements means that the signatory must arrange a way to contact parents in case of emergency, and for ongoing liaison concerning their son/daughter's academic progress, health, wellbeing, general happiness, and adaptation to their new environment. The student's homestay family is not responsible for ongoing liaison with parents, although they may have contact with parents.

Signatories must ensure that parents know how to contact the signatory.

#### IEAA Reports

The IEAA (International Education Appeal Authority) investigates complaints from international students about pastoral care aspects of advice and service received from their Education Provider or the provider's agents. For further details see clause 23 of these Guidelines.

Ref. IEAA Report 2005-2006 Case 10: school did not establish contact with a student's parents.

#### Emergencies

Because emergencies can occur at any time, it is important that international students have an emergency 24/7 contact number for the signatory. This number should also be made available to parents to use in an emergency.

School boards should have a generic policy for responding to critical incidents. The Code does not actually state that providers must have a crisis plan for responding to a critical incident involving an international student. The handbook "Traumatic incident management support for schools and ECE services", which can be downloaded from the Ministry of Education website, provides guidelines for the management of traumatic incidents within schools and early childhood services, and useful checklists for responding to a traumatic incident.

It may be necessary to establish emergency communication arrangements involving an agent or an English-speaking friend of the parents or to use an interpreter.

**13.6** Signatories must communicate regularly with parents of international students under the age of 18.

If the parent does not speak English, the signatory should use an appropriate first language speaker to communicate with parents on the signatory's behalf when requested.

Where the student's behaviour is at issue, signatories should be wary of using an agent who has a financial interest in the enrolment. Signatories might consider writing the message they want communicated and have the interpreter sign to indicate this is what was said to the parent.

Parents must be contacted prior to enrolment of students to confirm enrolment details, to discuss any special or medical needs, and to discuss the aspirations and capabilities of the student. Parents (not agents) should sign application forms and tuition contracts to indicate the information provided is correct.

Signatories should then ensure that ongoing communication with students' parents is maintained on the following matters:

- General progress – school reports, newsletters/emails of provider's events
- Success of the accommodation placement, and any changes to the placement
- How the student is settling in to the New Zealand environment

- Student holiday and travel arrangements
- Illness and emergency situations
- Concerns and complaints – including absences and non-completion of work
- Financial management (if the signatory is responsible for this).

### Privacy and disclosure to parents

Under the Privacy Act and the Health Information Privacy Code (which applies to health information), the student's information must not be disclosed to parents unless the education provider considers that one of the exceptions in Act or the Code applies.

The exceptions are listed in the Privacy Act and the Health Information Privacy Code. These can be found at [www.privacy.org.nz](http://www.privacy.org.nz)

One possible exception would be where the provider thought there were serious physical risk/safety concerns. If so, the school should ensure that support is in place for the student in accordance with Code requirements. It is also recommended that the school consider seeking professional advice on its obligations in terms of the privacy versus safety balance. If at all possible, the parent's consent should be obtained before any personal information is disclosed.

If the situation is unclear, the signatory should seek professional legal advice on its obligations in terms of the privacy versus safety balance.

The NZSTA helpdesk, (0800 782 435), which is available to all schools regardless of membership, can advise whether or not Memoranda of Understanding or contracts are consistent with the privacy legislation.

### Young international students

Young international student means an international student in years 1 - 8 of a school.

**13.7** Signatories must have processes in place to ensure that the developmental and pastoral care needs of young international students are being appropriately met, including (but not limited to):

**13.7.1** Students are living with, and continue to live with, a parent, or in the case of young international students approved under clauses 15.5, 27.3, and 27.4, in accommodation as required under Part 6 of the Code;

Young international students must live with their parents. Accommodation, other than living with parents, requires approval from the Administrator and will be granted only where:

- The students are group students (15.5.1)
- The students are enrolled in years 7 and 8 of a school and will be accommodated in a homestay, licensed hostel, or with a designated caregiver (15.5.2)
- The student will be accommodated in a school hostel (27.3 and 27.4 as required under Part 6 of the Code).

See clause 15.5 for more details.

**13.7.2** Provision for regular communication between students and parents, where students are not living with a parent;

Young international students must live with their parents. However, if additional approval has been granted by the Administrator, young international students may be able to live in alternative accommodation. Alternative accommodation will only be granted in the case where:

- The students are group students (15.5.1)
- The students are enrolled in years 7 and 8 of a school and will be accommodated in a homestay, licensed hostel or with a designated caregiver (15.5.2)
- The student will be accommodated in a school hostel (27.3 and 27.4 as required under Part 6 of the Code).

If a signatory wants to accommodate young international student in one of the alternatives listed above, they must complete an additional application form that can be obtained from the following link: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/CodeOfPracticeApplicationForms.aspx>

**School hostel** means a licensed hostel owned or administered by a boarding school and approved by the Administrator for international students who are enrolled in years 1 - 6 of a school.

In cases where young international students are not living with their parents, signatories must have processes in place to ensure regular communication is maintained between students and parents.

The following should be considered when ensuring regular communication is maintained:

- Procedures should be in place that enable students to have weekly contact with parents
- Procedures should include more regular contact if a child is ill, when a child has first arrived or if something has happened at home
- The weekly telephone / email / skype contact could be through the education provider or their accommodation agent
- A record should be kept of the weekly calls to ensure that calls are taking place and to allow the student's welfare to be monitored. The students could be asked to keep a log and this could be checked each week by the ESOL/other teacher
- If a student becomes distressed after calls, do not stop them calling to avoid the upset because forcing them to suppress their emotions may lead to more serious problems later
- The student should be provided with a private room to make/take the phone call (either at their accommodation or at the school)
- If a student is reluctant to phone their parents a staff member or the homestay should try to prepare the student for the call by talking to them about it beforehand
- If a student continues to show reluctance or problems continue the designated person for pastoral care should be informed.

### Recovering the cost of calls

Provision should be made to recover the cost of phone calls from the parents of international students.

Suggested ways of doing this:

- Requiring the parents to supply their children with Calling Cards
- Arranging with parents to make reverse-charge calls
- Having a set time every week when the student's parents may phone
- Including phone charges in the international student fees and recovering them on a reimbursement basis.

#### 13.7.3 Access to first language support;

This requirement is to enable the student to obtain support from someone who speaks their own language and ideally understands the student's situation. For accessibility and empathy a student of the same ethnicity who is familiar with the school is ideal.

There will, however, be occasions when first language support from an appropriate adult will be required, and providers must have a list of appropriate first language speakers in each of their students' languages.

The provider needs to set up a system of getting feedback from the first language support people.

The first language support person could be called upon to assist with events such as orientation sessions, parent-teacher conferences and interviews (with the student's consent). Interpreters should not interview students without a representative of the school present. For any legal matter or serious disciplinary hearing, a professional interpreter should be employed.

**13.7.4** Access to professional counselling, preferably with first language support; and

This clause requires signatories to ensure that their young international students have access to professional counselling, preferably with first language support.

A list of agencies that provide counselling services to international students can be found at: <http://www.minedu.govt.nz/educationSectors/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/HealthResourceInternationalStudents.aspx>

**13.7.5** Cross-cultural training for staff in regular contact with international students.

This clause requires signatories to be able to demonstrate that they have a professional development programme that ensures all staff in regular contact with young international students have appropriate cross-cultural training.

Staff receiving training should include:

- Office and administration staff
- Accommodation staff/homestay coordinators
- Classroom teachers and teacher aides
- Principals and senior managers
- Sports coaches.

**Definition of cross-cultural training**

Cross-cultural training means the development of competency in, and understanding of, communication and behaviour patterns in another culture.

Cross-cultural training can be provided in:

- Staff meetings – invite an ex-student
- Professional Development sessions
- Community meetings
- A handbook of information about the relevant cultures for staff.

A list of resources is available from [www.minedu.govt.nz](http://www.minedu.govt.nz)

**Students identified as at risk or with additional needs**

**13.8** Signatories must document where they believe on reasonable grounds that any international student is unable to protect him or herself against significant harm or exploitation, and/or is unable to adequately safeguard his or her personal welfare, and ensure that the following provisions are complied with:

Signatories are required to provide extra support to students identified as having ongoing additional needs. The purpose of this is to ensure that students are protected and safe.

Signatories should require parents to disclose if the student has additional needs that may affect their ability to study. This should be included in the student's enrolment contract.

Additional needs may include:

- Mental illness
- Physical or learning needs.

An interview as part of the enrolment process may identify areas of concern that have not been disclosed.

Additional needs should not (in most cases) preclude a student from being enrolled with the school. However, pre-planning will be required to ensure that the necessary support is in place prior to the student's arrival.

### Who pays if extra support would need to be provided to an international student?

If a school has concerns about a child presenting with special need/s they should contact [health@dol.govt.nz](mailto:health@dol.govt.nz). All students entering New Zealand for the purpose of study must have an acceptable standard of health and are unlikely to qualify for ongoing reviewable resource schemes (ORRS) funding during the period of intended stay in New Zealand.

If a parent wants a school to enrol an international student with special needs who does not meet ASH requirements and would not be eligible for ORRS funding the school should take their own professional advice and if necessary refer to the Human Rights Commission to consider.

#### 13.8.1 Signatories must meet and communicate regularly with such students;

Signatories will need to determine on a case-by-case basis the causes of the student's additional needs and the appropriate responses. This may involve consultations with physical or psychological clinicians for needs assessment and treatment or management advice. If the student has issues that need to be resolved but that do not constitute a crisis, it may be necessary to meet the student regularly until the issues are resolved.

In the situation where it is determined that the student's needs can be met by the signatory, the following issues may be discussed in meetings:

- The student's living circumstances
- Any particular issues that the student is dealing with
- Assistance the student may be receiving from other sources
- Academic progress.

Communication with students may take place outside of scheduled meeting times. This should be documented and a record kept on the student's confidential file.

#### 13.8.2 Signatories must determine whether it is appropriate to communicate with parents or next of kin of such students, and must communicate regularly with appropriate persons. In any such communications, signatories must ensure that they comply with the principles of the Privacy Act 1993;

Signatories are required to communicate regularly with parents of students under the age of 18 (section 13.6).

Please ensure you act in accordance with the Privacy Act.

#### 13.8.3 Signatories must liaise with other agencies if necessary for the care and support of such students; and

Other agencies may include:

- Outside counsellors, if there are no qualified counsellors on staff
- Mental health services
- Drug education and counselling services
- The Problem Gambling Foundation
- The Family Planning Association.

When referring a student to outside agencies, signatories should be aware that some students might be nervous or fearful of going to meetings outside the school, or may have difficulty finding the meeting venue. Further, the agency may not be able to help the student. Pastoral care staff may offer to accompany students to meetings, or arrange a meeting as appropriate with the student either immediately after or a day or so after the agency meeting to discuss the outcome of the agency meeting.

A list of agencies that provide support to international students can be found at: <http://www.minedu.govt.nz/educationSectors/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/HealthResourceInternationalStudents.aspx>

**13.8.4** Signatories must determine the living circumstances of such students and provide assistance or appropriate referral if the student is not considered to be living in an appropriate situation.

Signatories must ensure that the student is not being exposed to harm or exploitation through his or her living situation. Students with additional needs are not required to live in a particular type of accommodation. However, their needs should be considered when recommending or advising on accommodation options.

A determination of the living circumstances should be undertaken during the initial meeting with the student as part of the process of assessing additional needs, and monitored from then on.

**13.9** If a signatory believes an international student has been, or is likely to be, ill-treated, harmed, abused, or neglected, they must notify CYF in accordance with the CYF reporting protocol, or the New Zealand Police, of their concerns.

This clause applies to all students, regardless of age.

### Reporting to the police

Signatories should have documented procedures to follow in the event where issues or concerns about a student are reported to the police. For students aged 16 or younger, reporting should be to CYF and the police.

For students aged 18 years and older, signatories should take care when determining whether to report to the police.

Relevant considerations include:

- If the student wants the concern reported
- Student privacy. The Privacy Act (Information Privacy Principle 11) allows inter alia that personal information may be disclosed if there is a belief on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned, or another individual. This means that a signatory could be justified in releasing personal information in those circumstances. However, if at all possible the student's consent should be obtained before any personal information is disclosed.

### Reporting to CYF

CYF deals with young persons aged 16 years or younger. Suspected ill-treatment, harm, abuse, and neglect of older students should be reported to the police rather than CYF.

For students aged 16 or younger, when the allegation relates to sexual or serious physical abuse both CYF and the Police should be notified.

Signatories must adhere to the "Breaking the Cycle" reporting protocol with CYF, and ensure that employees and any agents adhere this to. A copy of the reporting protocol may be obtained from CYF offices.

Definitions of different types of abuse are on the CYF website – [www.cyf.govt.nz](http://www.cyf.govt.nz)

## 14 Monitoring attendance to ensure student welfare

### 14.1 Signatories must have processes in place to:

- 14.1.1 Ensure that international students are maintaining their course requirements; and
- 14.1.2 Follow up in the event that a student ceases attendance before course completion.

Processes to ensure students are maintaining course requirements must allow the school to determine if the student is meeting attendance requirements.

The requirement to follow up in the event that a student ceases attendance before course completion would apply when a student ceased to attend classes prior to the scheduled end of their course without notification to the school. It would not apply where the student notified the signatory that he/she wished to withdraw, or the signatory terminated his/her enrolment.

Parents should be advised of continued non-attendance, and consulted in any termination or change of course.

### 14.2 If an international student enrolled at a school) fails to attend that school, the Principal must follow the “Rules for Student Enrolment Records” made under Section 77A of the Act.

The Education Act 1989 defines a “registered school” as “a school that is a state school, or a school registered under Section 35A of [the] Act”.

Circular 1999/03 Rules for student enrolment Records can be found at: [www.minedu.govt.nz/.../ENROLAndEnrolment/AboutENROL/RulesStudentEnrolmentRecords.aspx](http://www.minedu.govt.nz/.../ENROLAndEnrolment/AboutENROL/RulesStudentEnrolmentRecords.aspx)

### 14.3 When standing down, suspending, excluding, or expelling an international student from school, signatories must comply with:

- 14.3.1 Section 18 of the Act and any rules made under Section 18AA of the Act for state and state integrated schools; or
- 14.3.2 Section 35AA of the Act for private schools.

The Rules are available on the Ministry of Education’s website: [www.minedu.govt.nz/.../StandDownSuspensionExclusionExpulsions/SuspensionsParentInfoWEB.pdf](http://www.minedu.govt.nz/.../StandDownSuspensionExclusionExpulsions/SuspensionsParentInfoWEB.pdf)

The Rules require parents to be notified in the case of disciplinary problems. To comply with the Rules, the parents of international students must be advised of any disciplinary problems. It is not acceptable to notify residential caregivers only, or an agent or person nominated to be responsible for the student in New Zealand (who is not a legal guardian), in place of the student’s actual parents.

In most cases, when parents are overseas they will not be available to attend disciplinary meetings, but must be given the relevant information in accordance with the timeframes prescribed by the Rules, and must be given the opportunity to nominate a person to attend meetings in their absence.

Students are entitled to advocacy and to representation which can be legal, or include support people such as family and friends, at disciplinary hearings.

## Part 6 ACCOMMODATION

### 15 Accommodation provisions

**15.1** Signatories must designate an appropriate person or persons to be responsible for international students requiring assistance with accommodation. The existence and availability of this person must be advised to students on enrolment.

The designated person or persons should be available to assist students with all types of accommodation issues. This person or persons must be provided irrespective of whether the signatory arranges accommodation as they are also responsible for assisting students with information about accommodation such as costs and availability. For schools with small numbers of international students, the person or persons designated for pastoral care may also be the person/persons designated for accommodation.

The person or persons responsible for internal processes relating to accommodation should ensure that the signatory's actions and responsibilities are communicated to students and are responsible for reporting concerns to the Code Administrator in accordance with clause 15.2.

Information relating to the designated person/persons' existence and availability (who the person or persons is/are, where they can be found, and what times they are available to students) should be included in pre-enrolment information, in the student handbook, and orientation process.

The designated person will be responsible for students under the age of 18 who change their accommodation, such as students who move out of designated caregiver accommodation.

**15.2** Signatories must report any serious concerns relating to accommodation provision to the Administrator.

The purpose of this clause is to require signatories to report concerns about accommodation provision to a body (currently the Ministry of Education) that will take responsibility for ensuring that appropriate standards are maintained in the provision of accommodation.

The Code Administrator will investigate any concerns about accommodation and work in tandem with appropriate authorities to ensure that accommodation providers are meeting all legal requirements and obligations.

Concerns that should be addressed to the Code Administrator under this clause include:

- Concerns about management of boarding establishments
- Concerns about homestay provision

For example:

- a) where there are a large number of students in a homestay
- b) where students are provided with inadequate bedroom space or facilities
- c) where students are being charged an inappropriate amount of money for the services they are receiving
- d) where the students are receiving inadequate care or inappropriate care
- e) where students have not been provided with contracts, or where homestay hosts are not honouring contracts.

**15.3** Where signatories arrange accommodation for international students aged 18 and over, signatories must ensure that the applicable provisions (below) are observed for:

- 15.3.1** Homestays;
- 15.3.2** Boarding establishments; and
- 15.3.3** Temporary accommodation.

A signatory will be deemed to have “arranged accommodation” for an international student where:

- The signatory requires the student to stay in particular accommodation (such as a hostel or homestay) as a condition of enrolment, and does not give the student a choice in the accommodation they may stay in
- The signatory (or their agent) places students in accommodation, and receives payment for the placement and monitoring of the accommodation
- The signatory (or their agent) arranges accommodation as part of the student’s course (e.g. where a student on a short course stays in a motel or hostel).

If the signatory recommends a range of accommodation to students aged 18 and over, but does not require students to stay in any particular accommodation, the signatory must advise the student if it has assessed the suitability of the accommodation, and the result of any such assessment (see clauses 4.3.4 and 15.3.1). In this case, the signatory is not required to undertake the checks required by the Code for the assessment of the accommodation (but may choose to do so).

**15.4** Signatories must determine and document that all international students under the age of 18 are living in one of the following five categories of accommodation, and that the applicable provisions of Part 6 of the Code are observed:

- 15.4.1** Homestays;
- 15.4.2** Boarding establishments;
- 15.4.3** Designated caregivers;
- 15.4.4** In the case of international students on courses of less than three calendar months’ duration only, in temporary accommodation; or
- 15.4.5** Living with parents.

**Note – This clause is for students under the age of 18 but does not include young international students. Young international students are defined as students enrolled in years 1-8 of a school.**

Please see clause 15.5 for information on accommodation options for young international students.

Signatories are responsible for approving all accommodation for students under the age of 18 unless the students are living with their parents. Homestays, boarding establishments, licensed hostels, designated caregiver residences, and temporary accommodation must be inspected and approved by the signatory for all students under the age of 18.

The relevant clauses in Part 6 of the Code require signatories to monitor the accommodation for students under 18 year old on an ongoing basis.

On enrolment, signatories must determine, document and maintain details of a student’s address, accommodation type and contact phone numbers as per clause 7.5.2.

### **Does student accommodation need to be monitored when the student is living with their parents?**

Where students are living with parents, signatories should monitor the continued presence of parents and have processes in place to cover unexpected parental absences.

In some cases, parents have come to New Zealand to personally enrol their child in school, and then returned home after a month or so, leaving their child to live with an agent or an older sibling. Parents have also travelled within New Zealand while their children are at school here. The Code requires all young international students to live with and continue to live with a parent for the duration of their studies.

“Parents” includes “legal guardians” (see definition below). Other relatives are not legal guardians and will normally be categorised as designated caregivers. If the signatory has any doubt as to whether a person is a legal guardian, they should ask to see legal proof of the guardianship and seek legal advice on the authenticity of any documents.

The Code definition of “legal guardian” means:

- the person with the legal right and responsibility to provide for the care (including education and health) of an international student and appointed by a New Zealand or foreign court, or by testament, and
- providing for the care of the student in the student’s home country.

### **Does the Code require students under 18 years old to have a guardian (support person) while in New Zealand?**

The Code does not require students under 18 years old to have a guardian (support person) while in New Zealand. If a student or parent wants to have a guardian (support person), the signatory must note that this person has no legal authority to make decisions for the student and the responsibility for the student remains with the signatory. All agreements between signatories and students under the age of 18 must be signed by the parents (clause 11.3.2) and **not** by a guardian (support person).

**15.5** Signatories must determine and document that all young international students are living with and continue to live with a parent, except where the signatory has been granted approval from the Administrator in accordance with clauses 27.3 and 27.4 to:

**15.5.1** Enrol group students (and the student is a group student); or

**15.5.2** Enrol international students who are in Years 7 and 8 of a school, or aged 11–13 and in any other provider; or

**15.5.3** Accommodate young international students in a school hostel.

Approval from the Administrator under clauses 15.5.1 and 15.5.2 will be granted only for homestays, licensed hostels, and designated caregivers.

This clause will only apply if the signatory enrolls young international students.

Young international students are students enrolled in years 7 and 8 of a school.

Young international students must live with and continue to live with their parents (except in the cases of 15.5.1, 15.5.2 and 15.5.3 which are detailed below). ‘Parents’ includes court-appointed legal guardians but does not include any ‘guardian’ who is not court appointed (see definitions of parent and legal guardian below).

When ensuring a person is a ‘parent’ or ‘legal guardian’, the signatory must ensure that the person has the legal right and responsibility to care for the child and was caring for the child in their home country. This can be checked by sighting:

- The student’s birth certificate
- The parents (or guardians) and student’s passport
- Evidence of relationship other than passport. (e.g. Korean family or household register)
- Evidence that the person has been caring for the student in their home country.

It is advisable that the signatory seeks legal advice if they have any doubts about the authenticity of the documents.

Where students are living with parents, signatories must monitor the continued presence of parents.

Accommodation, other than living with parents requires approval from the Administrator and will only be granted where:

- The students are group students and will be accommodated in a homestay, licensed hostel or with a designated caregiver (15.5.1)
- The students are enrolled in Years 7 and 8 of a school and will be accommodated in a homestay, licensed hostel or with a designated caregiver (15.5.2)
- The student will be accommodated in a school hostel (27.3 and 27.4 as required under Part 6 of the Code).

Please see the definitions of homestay, licensed hostel, designated caregiver, and school hostel below.

If a signatory wants to accommodate young international student in an option (other than living with their parents) listed above, they must complete an additional application form that can be obtained from: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/CodeOfPracticeApplicationForms.aspx>

Young international group students have to be 10 years or older.

## Definitions

**Parent means** the father or mother of an international student, and includes a legal guardian.

**Legal guardian means** the person with the legal right and responsibility to provide for the care (including education and health) of an international student and appointed by a New Zealand or foreign court, or by testament; and providing for the care of the student in the student's home country.

**Homestay means** accommodation provided to an international student in the residence of a family or household where no more than four international students are accommodated.

**Licensed hostel means** a hostel as defined in Section 2 of the Act and licensed under the Education (Hostel) Regulations 2005.

**Designated caregiver means** a relative or close family friend designated in writing by the parents of an international student as the caregiver and accommodation provider for that student, but does not include a boarding establishment owner, manager, or employee.

**School hostel means** a licensed hostel owned or administered by a boarding school and approved by the Administrator for international students who are enrolled in Years 1 - 6 of a school.

**15.6** When a signatory places young international students in accommodation approved under clause 15.5 above, the signatory must, following the quarterly interviews under clauses 16.3, 17.3 and 18.1.3:

**15.6.1** Record the interviews in a form that can and must be made available to the Administrator if requested;

**15.6.2** Notify the Administrator, if requested, of the addresses and number of students the signatory currently has accommodated there.

Signatories must hold quarterly interviews with young international students who are accommodated in homestays, licensed hostels, with designated caregivers or in school hostels.

These interviews must be recorded in a form that can be made available to the Administrator should it be requested. The signatory is also required to record the address of the accommodation and how many students are accommodated there. This information must also be made available to the Administrator if requested.

### Quarterly interviews

The quarterly interviews need to contain open-ended questions that allow the student to openly describe the reality of the accommodation that they are living in.

The same questions should not be asked at each quarterly interview.

### What to cover in the quarterly interviews

- The students living circumstances
- Activities they undertake with their accommodation carer (e.g. homestay family, designated caregiver)
- Any issues that have arisen out of their living situation.

**15.7** Signatories enrolling young international students who are group students or accommodated in a licensed hostel are required to have approval from the Administrator for special arrangements for weekend and school holiday care, including (but not limited to):

**15.7.1** Appropriate accommodation and;

**15.7.2** Provision for regular communication between students and parents; and

**15.7.3** Processes in place that ensure students' developmental and pastoral care needs are being met appropriately.

Young international group students or young international students accommodated in a licensed hostel must have special arrangements made for them for weekend and school holiday care. These arrangements must include:

- The signatory obtaining written parental permission for the students weekend or school holiday accommodation
- The signatory ensuring the weekend or school holiday accommodation is appropriate
- The signatory ensuring there is provision for regular communication to be maintained between the student and their parent while the student is in weekend or school holiday accommodation
- The signatory ensuring that the student's development and pastoral care needs are being appropriately met while the student is in weekend or school holiday accommodation.

Contact your Code Advisor for information on obtaining approval from the Administrator for weekend and holiday care for young international students.

## 16 Homestays

**16.1** Signatories must have robust procedures for the selection and monitoring of homestay carers and homestay residences which are followed by signatories and any accommodation agent, including, but not limited to:

**16.1.1** A determination that the homestay is not a boarding establishment;

The key distinction between a homestay and a boarding establishment is the number of international students who reside there. In some cases, family homes may have several students residing there. If a family has five or more international students living in their house, they are classified as a boarding establishment and therefore must meet the requirements set out by the relevant local authority for boarding establishments.

To determine if a prospective homestay is a boarding establishment, the signatory must visit the homestay and find out how many students live there (and how many students the homestay intends to have living there).

Once a student has been placed in a homestay, ongoing checks, such as during regular student interviews (and casual conversations if appropriate), should be undertaken to ensure that the numbers and occupants of the house have not changed.

If it is determined that the homestay is a boarding establishment, consider whether the accommodation will still provide a safe and suitable environment for international students. If the signatory feels that the accommodation is suitable, it may still be used. However, the rules for boarding establishments will apply (see clause 17 for details).

#### **16.1.2** An assessment of the homestay carer's suitability;

When a signatory is considering the suitability of a homestay carer they should hold an interview with the prospective carer and consider the following:

- Positive attitudes to international students and their families
- Positive, tolerant, and understanding of other cultures
- Knowledge of the specific needs of international students
- Ability to meet an international students' emotional and behavioural needs
- Ability to be a good role model
- Willingness to work with the signatory, international students and their parents
- Stability of family/relationships.

#### **16.1.3** An on-site assessment of the suitability of the residential facilities; and

A signatory should ensure that all accommodation is clean, secure and warm and provides:

- Private bedroom (or suitable sharing arrangement if that is agreed with the student)
- Appropriate bedroom furniture
- Appropriate linen and bedding
- Study desk and chair with adequate lighting
- Provisions for emergencies (e.g. first aid supplies, smoke alarms)
- Appropriate heating.

#### **16.1.4** An assessment of whether a homestay carer will provide a safe physical and emotional environment.

This assessment should be undertaken as part of the interview with the carer set out in 16.1.2.

Sample interview forms are available at:

<http://www.minedu.govt.nz/educationSectors/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/AccommodationPolicies.aspx>

### **16.2** Signatories or their accommodation agents must establish a support infrastructure for homestay carers, and provide them with advice and information on best practice, so they can build their capability to provide high-quality residential services to international students.

Support infrastructures include:

- The person/s designated by the signatory under 13.1 being available to homestay carers for all pastoral care enquiries
- The person/s designated by the signatory under 15.1 being available for all enquires about accommodation
- Training and support sessions should be held with homestay carers prior to the initial placement of a student. Documented systems should be in place for the ongoing support of homestay families.

- Training and support sessions could be a meeting with the homestay manager, or could take the form of a group meeting with other homestay carers. The sessions could include discussion and presentations about the roles, responsibilities, and realities of providing homestay care, an opportunity for homestay providers to share concerns and solutions and discussion on ethno-specific cross-cultural issues.
- Resources given to homestay carers could include a host family handbook, a host family contract, notes about the cultures of the student(s), and regular newsletters.

### Suggested good practice

Signatories should have documented policies and processes in place to support and monitor the management of accommodation provision to students. An outline of these policies and processes should be made available to parents (for students under 18) or for students (18 and over) during the recruitment process, the transfer process, and at any other appropriate stage, or if requested.

Policies and processes should cover the following key topics:

- Selection of homestay carers
- Accommodation placements, approvals, and transfers
- Ongoing support and monitoring of homestay environments
- Grievance procedures
- Liaison between any homestay manager, students, the signatory, parents, and homestay carers
- Homestay fee structure, including payment terms, and refund provisions
- Management of student finances
- Truancy and non-attendance
- Communication with parents
- Staff and contractor performance and contracts (see Part 3: Contracted Agents)
- Documentation processes and requirements.
- The person designated as the 24/7 emergency contact by the signatory.

**16.3** Signatories must meet with each student who is under the age of 18 at least quarterly to ensure that the homestay accommodation is suitable.

Signatories should have a documented process in place to follow when meeting with students to discuss accommodation. The meetings could also be used to ascertain the general well-being and happiness of students, particularly in the case of young international students.

The quarterly interviews need to contain open ended questions that allow the student to openly describe the reality of the accommodation that they are living in.

The same questions should not be asked at each quarterly interview.

### What to cover in the quarterly interviews

- The students living circumstances
- Activities they undertake with their accommodation carer (e.g. homestay family, designated caregiver)
- Any issues that have arisen out of their living situation.

Problems discovered in the interview should be referred to the appropriate person. Serious concerns should be followed up immediately.

**16.4** Signatories or their accommodation agents must visit each homestay with student/s who are under the age of 18 at least twice a year to ensure that the accommodation is suitable. Signatories must conduct follow-up visits if they have reasonable grounds to suspect that the accommodation has become unsuitable.

A change of circumstance may lead to the student's accommodation becoming unsuitable. If a signatory has reasonable grounds to suspect that accommodation has become unsuitable, they must conduct follow-up visits.

A change of circumstance may include:

- A change in health relating to a member of the homestay family
- A new criminal charge relating to a member of the homestay family
- A change in the composition of the homestay household (if the new household member is aged 18 years or older a police vet must be undertaken)
- A move to a different physical address
- Change in household family structure, including a change of address or of household make-up.

Sample forms/checklists for visiting homestays for these visits are available from: <http://www.minedu.govt.nz/educationSectors/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/AccommodationPolicies.aspx>

All adults aged 18 and over living at a property for any length of time (whether in a single block of time or on separate visits over a longer period) are deemed to be resident of that property and are required to be Police vetted.

Signatories should use their discretion about any other frequent visitor to the residence who has access to the student.

Signatories are responsible for the welfare of their international students and should not allow any student to live in circumstances of which they do not approve. Signatories should also take into account the ages, gender and commitment to study of other students in the household.

### Transfers

If a signatory changes a student's accommodation, notification must be given to the student and the homestay carer prior to the change. Reasons for the change should be communicated clearly to both parties and to the student's parents.

Transfers should be documented and recorded in homestay/boarding establishment and student files.

The Code requires homestays and boarding establishments to be visited twice a year not each time a new student is placed in that accommodation. However a courtesy call would be good practice.

## 17 Boarding establishments

Young international students are not eligible to be accommodated in this type of accommodation.

- 17.1** Signatories that operate a boarding establishment and/or place international students with a boarding establishment must have robust procedures for the approval of the boarding establishment, which are followed by signatories and any accommodation agent, including, but not limited to:

Procedures for approving accommodation include:

- Assessing the suitability of boarding establishment employees and managers
- Ensuring that all current and prospective boarding establishment employees and contractors are Police vetted where students under 18 will be living in the boarding establishment
- Assessing the residential facilities of the boarding establishment
- Determining whether the boarding establishment will provide a safe physical and emotional environment
- Monitoring and managing any risks to the safety of students.

**17.1.1** Checking that local government bylaws are being observed;

Local authorities have responsibility for setting bylaws governing the management and running of boarding establishments and hostels. Bylaws differ between local authorities. District plan rules establish the criteria under which boarding establishments may be established.

To check if the relevant local government bylaws are being observed, signatories should contact their local district council with the property address of the boarding establishment. They should ask if the boarding establishment has:

- A resource consent
- A building consent
- A health licence (this may not be applicable in some areas).

Granting of the applicable consents will generally involve compliance with requirements such as provision of adequate bathroom facilities, fire safety procedures, appropriate noise levels, and provision of adequate car parking.

Boarding establishments that provide meals should have a commercial-grade kitchen and comply with the Food Hygiene Regulations.

When checking if local government bylaws are being observed, signatories should ask for and record:

- Consent number(s)
- Date(s) when consent(s) was/were granted.

This information should be kept on file as a record of the check having been undertaken, and for later referral if any problems arise.

**17.1.2** Identification of the manager or other person with responsibility for the care of the international student/s at the boarding establishment for students under the age of 18, and the resident manager for students aged 18 years and over;

All boarding establishments are required to have a resident manager. This person should be identified as part of the process of assessing the suitability of the boarding establishment.

For students under the age of 18, there must be a person on site 24/7 with responsibility for the supervision and care of students. This may be the resident manager, or it may be another person dedicated to pastoral care. If the person is not the resident manager, signatories should check when the person would be available to students and confirm that they will live on site. Signatories should identify this person and keep their information as required by clause 20.1.

**17.1.3** An assessment of the potential boarding establishment management and employees' suitability;

When a signatory is considering the suitability of boarding establishment management and employees, they should consider the following:

Do the staff:

- Display positive attitudes to international students and their families
- Have a positive, tolerant, and understanding of other cultures
- Have knowledge of the specific needs of international students
- Have the ability to meet an international student's emotional and behavioural needs
- Have the ability to be a good role model
- Have a willingness to work with the signatory, international students, and their parents.

**17.1.4** An on-site assessment of the suitability of the residential facilities;

A signatory should ensure that all accommodation is clean, secure and warm and provides:

- Private bedroom (or suitable sharing arrangement if that is agreed with the student)
- Appropriate bedroom furniture
- Appropriate linen and bedding
- Study desk and chair with adequate lighting
- Provisions for emergencies (e.g. first aid supplies, smoke alarms)
- Appropriate heating.

**17.1.5** An assessment of whether the boarding establishment will provide a safe physical and emotional environment; and

This assessment should be made as part of the interview and assessment process.

Signatories should check the appropriateness of the placement in terms of the ages, gender and study commitment of the other students, and the supervision provided by the boarding establishment.

**17.1.6** Monitoring and managing any risks to the safety of international students.

Signatories should ensure that boarding establishment management has a safety policy and processes in place, including a student safety plan. One person should be designated to keep a log of all safety concerns.

**17.2** Signatories that operate a boarding establishment and/or place international students with a boarding establishment must monitor and manage any risks of violence and abuse at the boarding establishment.

Procedures for managing risks of violence and abuse at boarding establishments should be developed by the management staff of the boarding establishment. The procedures should be part of an ongoing process, and should involve the environment of the boarding establishment being closely monitored. Signatories should be aware that managing risks of violence and abuse are complicated matters, and it may be advisable to obtain specialist help.

Signatories should sign a division of responsibility agreement with boarding establishment management that sets out clear processes for monitoring and management of risks, and designates specific staff with tasks to address risks.

Signatories should meet with boarding establishment management once a term (or more frequently if appropriate) to review risks of violence and abuse, or to receive a written report on monitoring and management of these risks.

Signatories must arrange alternative accommodation where their students' welfare and safety are at risk.

**17.3** Signatories must meet with each student who is under the age of 18 at least quarterly to ensure that the boarding establishment accommodation is suitable.

Signatories should have a documented process in place to follow when meeting with students to discuss accommodation.

The quarterly interviews need to contain open-ended questions that allow the student to openly describe the reality of the accommodation that they are living in.

The same questions should not be asked at each quarterly interview.

### What to cover in the quarterly interviews

- The student's living circumstances
- Activities they undertake with their accommodation carer (e.g. homestay family, designated caregiver)
- Any issues that have arisen out of their living situation.

Problems discovered in the interview should be referred to the appropriate person. Serious concerns should be followed up immediately.

**17.4** Signatories or their accommodation agents must visit each boarding establishment with students who are under the age of 18 at least twice a year to determine that the accommodation is suitable. Signatories must conduct follow-up visits if they have reasonable grounds to suspect that the accommodation has become unsuitable.

Sample forms/checklists for conducting these visits are available from: <http://www.minedu.govt.nz/educationSectors/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/AccommodationPolicies.aspx>

**17.5** Under this section of the Code, signatories granted approval from the Administrator under 27.3 and 27.4 may place these students only in licensed hostels.

A licensed hostel means a hostel as defined in section 2 of the Act and licensed under the Education (Hostel) regulations 2005. The requirements for approval from the Administrator to place international students aged 10 and under and enrolled in Years 1 - 6 of a school in a school hostel are effective from 31 December 2011.

## 18 Designated caregivers

**Designated caregiver** means a relative or close family friend designated in writing by the parent/s of an international student as the caregiver and accommodation provider for that student, but does not include a boarding establishment owner, manager, or employee.

The designated caregiver will be the primary caregiver for the student while they are in New Zealand, but the student's parents remain the legal guardian/s and signatories must communicate and consult with the parents. Designated caregivers must be *bona fide* relatives or close family friends who are designated in writing by the parents as carers for the student. Designated caregivers **must not** be arranged by an agent or anyone else other than the parents or 'legal guardian' of the student.

A designated caregiver is not a "Legal guardian" as defined in the Code. "Legal guardian" means the person: with the legal right and responsibility to provide for the care (Including education and health) of an international student and appointed by a New Zealand or foreign court, or by testament, and providing for the care of the student in the student's home country.

### How do I know if the person nominated by the parents is a relative or close family friend?

All reasonable steps must be taken to confirm the relationship between the person nominated to be a designated caregiver and the student's parents, before enrolling the student.

This can be done by:

- Interviewing the student away from the caregiver(s) or parent(s)
- Asking the student to fill in a family tree.

If the signatory is in any doubt as to the genuineness of the relationship, the signatory should either decline to enrol the student or treat the accommodation situation as a school-approved homestay (see clause 16 for the requirements for approving homestays).

### **What responsibility does the signatory have when a student is living with a designated caregiver?**

The signatory is still responsible for approving and monitoring the accommodation when a student will live with a designated caregiver. If the signatory does not approve the accommodation the student should not be allowed to live there.

**18.1** If the parent/s of an international student under the age of 18 designates a relative or close family friend to provide accommodation for a student, the signatory must:

- 18.1.1** Have an indemnity document signed by the international student's parents (and not an agent stating that the designated caregiver is a relative or close family friend and that the parents are selecting the accommodation for their child, subject to the signatory approving the accommodation.

Often by the time a signatory is approached by an agent to enrol a student, the student is already living in accommodation chosen by the agent/parent. Signatories should strongly reinforce that the student may not be enrolled until the indemnity document is signed by the international student's parents and received by the signatory.

A sample template for the Designated Caregiver Agreement and Indemnity Document is available at: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/InformationforCodeSignatories/AccommodationPolicies.aspx>

It is advisable to check the designated caregiver's passport and visa to ensure that it is valid for the period of the student's enrolment.

- 18.1.2** On, or if appropriate, before enrolling the student, visit the home to:
- (a) Determine that the living conditions are of an acceptable standard;
  - (b) Assess whether the designated caregiver will provide a safe physical and emotional environment for the student;
  - (c) Determine that the home is not a boarding establishment; and
  - (d) Meet the designated caregiver and establish communication with the caregiver.

If possible, this visit should be undertaken before the student's enrolment commences. This is so the signatory can choose not to enrol the student if it does not approve the accommodation. However, it is recognised that in some cases it will not be possible to undertake the visit prior to enrolment (e.g. if the designated caregiver travels from the student's home country with the student immediately prior to course commencement, or if the student is changing accommodation during their period of enrolment). In these cases, the signatory's contract with the student should state that enrolment or continuing enrolment with the signatory is contingent on the signatory approving the student's accommodation. If the student then chooses to live in accommodation that is not approved by the signatory, the signatory will have grounds to terminate the student's enrolment.

The requirements for the home visit are to:

- Assess the living conditions, and determine if they are of an appropriate standard
- Assess whether the designated caregiver(s) will provide a safe physical and emotional environment for the student
- Determine that the accommodation is not a boarding establishment
- Meet the designated caregiver(s) and establish communication.

The signatory may require a police vet of designated caregiver(s), if it considers this appropriate or if it is in line with the signatory's policy (see clause 21.1.3).

Meet with each student at least quarterly to ensure that the accommodation is suitable.

Signatories should have a documented process in place to follow when meeting with students to discuss accommodation.

The quarterly interviews need to contain open ended questions that allow the student to openly describe the reality of the accommodation that they are living in.

The same questions should not be asked at each quarterly interview.

### **What to cover in the quarterly interviews**

- The student's living circumstances
- Activities they undertake with their accommodation carer (e.g. homestay family, designated caregiver)
- Any issues that have arisen out of their living situation.

Problems discovered in the interview should be referred to the appropriate person. Serious concerns should be followed up immediately.

If the accommodation selected by the student's parents is a boarding establishment, the signatory must follow the provisions relating to boarding establishments prescribed in clause 17 above.

Please refer to the requirements for boarding establishments which are outlined in clause 17.

## **19 Temporary accommodation**

**Temporary accommodation** means a hotel, motel, hostel, lodge, or other tourist accommodation.

Students under the age of 18 may only live in temporary accommodation if they are on a course of less than three calendar months' duration (clause 15.4.4) Young international students may not live in temporary accommodation (see clause 15.5).

- 19.1** Signatories must have robust procedures in place for determining that temporary accommodation and accompanying supervision are suitable, including, but not limited to:
- 19.1.1** An assessment of the suitability of the accommodation;

Suitability of temporary accommodation will often depend on the expectations of students. Signatories should take care to match accommodation to student expectations.

Elements of suitability may include:

- Location
- Standard of bathrooms and other facilities
- Whether bedrooms are shared or separate
- Level of safety and security
- Standard of cleanliness
- Temperature.

A site visit is not required under this clause, and may not be necessary if:

- The accommodation will only be used for a few days
- The accommodation is located in another town/city from the signatory
- The accommodation is for students over the age of 18.

A visit should be undertaken if:

- Students will be in the accommodation for more than two weeks
- Students are under the age of 18
- Accommodation will be (re)used regularly.

**19.1.2** Ensuring that students under the age of 18 will have appropriate supervision;

**19.1.3** Ensuring that group students will have an appropriate ratio of supervisors; and

**19.1.4** Monitoring and managing any risks to the safety of international students.

Risk analysis should be reviewed and updated as appropriate. Guidelines for supervision are detailed in clause 3.2. For details about determining ratio of supervisors see clause 3.2.2).

## 20 Residential caregivers

Residential caregiver is the term used to refer to all types of carers of international students.

A residential caregiver is:

- A homestay carer
- A person responsible for the care of students in a boarding establishment
- A designated caregiver
- A supervisor (in the case of students in temporary accommodation).

Every international student under the age of 18 must live with a residential caregiver, unless he/she lives with parents.

**20.1** Signatories must ensure that they hold at all times the following information for all residential caregivers:

**20.1.1** Full name;

**20.1.2** Current address and contact phone number(s);

**20.1.3** Current occupation; and

**20.1.4** Relationship to student(s).

Signatories should keep files on residential caregivers that includes the information in 20.1 and also:

- Preliminary assessment documentation, including assessment report
- Records of student placements and placement outcomes
- Details, management, and outcomes of any grievances
- Details of support and training provided for and undertaken by the residential caregiver
- Records of routine liaisons between the signatory and the residential caregiver.

## 20.2 Signatories must ensure that all residential caregivers have a full understanding of their obligations relating to the signatory and any accommodation agent.

Signatories must establish the different responsibilities of residential caregivers and accommodation agents, and advise each what their responsibilities are.

Responsibilities will differ depending on the staff structure of the signatory, and whether agents are used. Some of these responsibilities may be delegated to accommodation agents through a contractual arrangement.

### Responsibilities of signatories

- Signatories are responsible for services provided by employees and any contracted agents.
- Signatories must monitor student attendance and progress, and advise residential caregivers and agents of the student's attendance patterns and academic progress (if appropriate, and with the agreement of the student and/or parents)
- Signatories should ascertain if a student has any health condition that may affect their study or require treatment.
- Residential caregivers need to be advised of any relevant health conditions of students placed in their care.
- Signatories are responsible for approving student travel within New Zealand, unless the student's parents have approved the travel and the signatory has proof of that approval. Schools may have holiday / travel arrangements clauses in the tuition contract which clearly outline before a student is enrolled what the school's stance may be on holiday travel. Signatories should advise residential caregivers in advance of any approved holiday or travel arrangements.
- In the event of a medical emergency involving a student, it is the signatory's responsibility to liaise with the parents of the student. This may be done through the student's medical insurance provider (particularly where there is a language barrier). Signatories should also ensure residential caregivers' receive relevant information.
- Signatories must provide residential caregivers with opportunities to participate in relevant training and development
- Signatories should provide residential caregivers with a caregivers' handbook.

### Responsibilities of residential caregivers

- Residential caregivers must contact the signatory if the student will not be attending because of illness. Notification should take place as soon as possible (e.g. on the morning of the first day that the student will not be able to attend)
- Residential caregivers should communicate student travel details to and from caregiver residences
- If a student requires non-urgent medical attention, the residential caregiver should take the student to their general practitioner, to the caregiver's own GP if the student does not have one, or refer the student to the on-site Student Health Centre if the signatory has one
- In the event of a medical emergency involving the student, the residential caregiver should obtain medical assistance immediately and notify the accommodation or pastoral care person as soon as possible. It is the signatory's responsibility to notify the parents
- Residential caregivers should advise signatories of family and student travel plans, and other student absences from the residence
- Residential caregivers must adhere to all relevant transport safety legislation, including those relating to the use of car restraints and cycle helmets, and not overloading passenger vehicles.

These responsibilities should be set out in writing and signed by both parties.

## 21 Police vetting of accommodation for students aged under 18

Police vetting aims to protect our more vulnerable members of society (children, older people and those with special needs) from any risks posed by people who may have displayed behaviour that could be detrimental to others' safety and wellbeing.

### What is a police vet?

A police vet involves two computer-based checks to search for information about an individual.

The checks are:

- A search of the Law Enforcement System. This provides a list of any criminal and driving history. It does not include minor traffic infringements, such as parking tickets
- A search of other information held by police, including behaviour of a violent or sexual nature that might not have resulted in a conviction.

Police vetting is not a complete background check and should be used as part of a robust recruiting and screening process. A police vet is a "paper" check only and does not involve the police visiting the person being vetted.

### What is the process for obtaining a police vet?

To obtain police vets, signatories or their agents must:

1. Register as a user of the PVS

To register as a user of the PVS, signatories should write to:

The Manager  
Licensing and Vetting Service  
Police National Headquarters  
PO Box 3017  
Wellington  
NEW ZEALAND

The letter should advise that the signatory (or their agent) is an education provider (or homestay agent etc) and that registration with the PVS is required to allow the writer to undertake vetting of persons applying to provide accommodation to children and young people.

Or register at: <http://www.police.govt.nz/vetting-contact-details>

2. Use the official Consent to Disclosure Form to obtain police vets

When a signatory has been approved as a registered user of the PVS, the PVS will send detailed instructions and the correct forms ("Consent to disclosure of information") for using the service. Vetting can only be carried out by using the official forms and with the consent of the person being vetted. Applicants should be advised that they must be vetted, and offered an explanation of the process.

3. Send the form to the Police Licensing and Vetting Service Centre

When the PVS receives the request for a police vet, it will be date stamped. The stamp indicates that each of the two computer checks have been carried out, the date of processing, and the officer who completed the check. If criminal and/or driving records exist, printouts of these will be attached to the request.

### Assessing police vets

There are three possible outcomes for a police vet:

1. Where no convictions or police record of any kind are found, the police vet is clear.
2. Where convictions and/or a police record of a non-sexual and non-violent nature exist, the police will supply a copy of the criminal history. This will need to be considered by the signatory as part of the whole assessment and selection process. It is the responsibility of the signatory to decide on the suitability of the applicant, taking into account all aspects of the assessment process including the police vet.
3. Where the police vet reveals information that indicates behaviour of a violent and/or sexual nature particularly involving children or young people, the police may put the following comment on the result: 'Police recommend this person does not have unsupervised access to children, young people, or more vulnerable members of society.' In these cases, no other information will be forwarded to the signatory. The applicant must not be approved as a residential caregiver.

### What to take into account when assessing police vets

The following should be considered when assessing police vet information:

- The length of time since the offence was committed or the behaviour took place
- The current age and maturity compared to when the crime was committed
- The seriousness of the offence, for example:
  - a) length of sentence
  - b) use of a weapon
  - c) the circumstances at the time of any violent behaviour.
- Pattern of offending (a short spate may indicate a 'phase', but a regular pattern may indicate continuing behaviour)
- The proximity of the person with the Police record to the international student
- Convictions held by people in direct contact with the international student are of most importance.

If there is a charge awaiting a court hearing, the application to be residential caregiver should be held over until the outcome of the hearing is known. When the outcome of the hearing is known, the signatory may wish to resubmit the police vet request.

### How long will it take to get a police vet?

The PVS is required to respond to a request for information within 20 working days. Police aim to process vetting requests within this timeframe.

In emergency situations, requests can be processed urgently in two to three hours.

### How much does it cost?

There is no cost associated with obtaining a police vet.

### Recording and storing Police vetting information

Information provided as part of the Police vetting process must be dealt with in accordance with the Privacy Act 1993.

Signatories must establish clear internal procedures for dealing with police vetting information.

These procedures must:

- Identify one person within the institution who will receive vetting information from the police
- Ensure that strict confidentiality is observed

- Ensure that no adverse decision is made on the basis of a police vet until
  - a) the person being vetted has validated the information in the police vet; or
  - b) the person has been given a reasonable opportunity to validate the information in the police vet and has failed to do so

When a decision has been made about a police vet result:

- It should be recorded on the applicant's file that the police vet has been conducted
- The outcome of the Police vet should be recorded as "clear", "reservations" or "failed"
- The Police Vetting Form should be destroyed by shredding or burning. Information may be securely stored for a short period of time while it is needed for determining the suitability of an applicant.

### Other important notes about police vetting

Partners and other family members should not be advised of the outcomes of police vets. Police vetting information should only be disclosed to the person who has been vetted. Persons who have been vetted are entitled to know if the vet contains adverse information, and have the right to have information corrected if necessary. Persons wishing to correct the information should see: <http://www.police.govt.nz/service/vetting/index.html>

### Sharing information between signatories

The PVS releases information to the registered user of the PVS. This information may be shown to the person vetted, but may not be passed on to another organisation. Because the education provider with which the student is enrolled is ultimately responsible for the welfare of the student and could be held liable for any problems that the student faces in their accommodation, signatories are advised to do their own police vet of any accommodation known to be used or have been used by another provider.

### Vetting of persons under the age of 18

The Code requires all persons aged 18 years and over with access to children and young people in certain accommodation situations to be vetted. The PVS does not vet persons under the age of 18.

### How often should police vetting be undertaken?

Repeat vetting should be undertaken in response to any change in circumstances that indicates the need for a further vet. Signatories should develop their own policy on repeat vetting. The police do not set a limitation or time frame for validity of a police check.

#### 21.1 When approving accommodation for students aged under 18:

- 21.1.1 Signatories must undertake New Zealand Police vetting of all persons aged 18 or over (excluding other international students) resident in homestay households;

### Who needs to be vetted?

- Homestay carers
- Homestay managers
- Anyone aged 18 years or older who may reside in the same residential property or may have regular access to the international student for any length of time.

- 21.1.2 Signatories must be satisfied that a suitable process for New Zealand Police vetting of current and prospective boarding establishment employees and contractors who work regularly at the boarding establishment is in place; and

Management of boarding establishments should be responsible for undertaking Police vetting for the establishment. Signatories should ask to see proof of registration with the PVS, and details of the boarding establishment's process for assessing police vets. The requirement to police vet employees and contractors who work regularly at the boarding establishment should be included in any contract between the boarding establishment and the signatory.

### Who needs to be vetted?

Those applying for employment or already employed as boarding establishment employees, including:

- Auxiliary staff such as gardeners and other contractors who will be on site and potentially have access to students on a regular basis
- Boarding establishment proprietors.

**21.1.3** Signatories may require that a New Zealand Police vetting be undertaken of designated caregivers and supervisors and/or temporary accommodation employees if it considers this appropriate or if this is in line with the signatory's policy.

Police vetting of designated caregivers, supervisors, and temporary accommodation employees is not required under the Code. However, signatories may also choose to vet supervisors and/or temporary accommodation employees as a matter of policy or on an as-needs basis. Generally, temporary accommodation employees will have been vetted by their employers and will not need to be vetted by the signatory.

As designated caregivers must be close family friends or relatives of international students' parents, they will often be foreign nationals and any criminal history will not be recorded in New Zealand. Recent migrants will have undergone a criminal history check as part of the immigration process.

Serious criminal activity by persons temporarily in New Zealand will generally result in a breach of visa/permit conditions, with resulting action undertaken by Immigration. If signatories consider it appropriate to police vet designated caregivers, or have a concern about a particular caregiver and wish to vet that person prior to approving the placement of a student, this may be included in the signatory's policy and advised to caregivers at the outset of the approval process.

### Resource

For information and support on the New Zealand Police Vetting Procedure <http://www.police.govt.nz/vetting-contact-details>

or

The Police Vetting Liaison Officer, telephone: (04) 474 9413

**Safe Not Sorry** by Anthea Simock (The Institute for Child Protection Studies, PO Box 679, Hamilton) outlines a robust recruiting and screening process for organisations recruiting people to work with children and young persons.



## Part 7 GRIEVANCE PROCEDURES

### 22 Internal grievance procedures

**22.1** Signatories must ensure that international students are advised of and have prompt access to adequate, transparent, and fair internal procedures for dealing with grievances.

On enrolment, signatories are required to provide students and their parents with written grievance procedures. Students and parents should be provided with written and verbal, easily understood steps to follow in order to make a complaint or report a grievance. The way in which students are advised of the procedures will affect their confidence and how they deal with any issue that may arise.

Grievance procedures should:

- Be presented in a flow chart, or as step-by-step instructions, in plain English – internal procedures first, referral details for the International Education Appeal Authority as the last step.
- Include clear direction on who to go to for support
- Advise students to approach the staff member closest to the problem in the first instance (with support if appropriate)
- Include photographs and room numbers of appropriate staff for ease of identification for students
- Be included in pre-enrolment packs
- Be explained at orientation (keep it simple and positive)
- Identify different complaint types and the person to whom each type of complaint would be addressed
- Be advised to students both verbally and in writing
- Be developed in consultation with international student staff.

Students should be advised of their right to have an advocate.

Student “advocates” must have institutional knowledge (policies, procedures, people) and be able to listen without prejudice to the student’s point of view.

Students should be advised that they may bring another support person with them (such as a friend or family member or a homestay parent) during any stage of the complaints process.

Signatories should determine if it is appropriate to refer students to their students’ association, and do so if appropriate.

**22.2** Signatories must implement and document procedures to deal with complaints from international students about breaches of the Code.

Documenting of grievances:

- Documents should be copied and sent to the student for verification, along with details of who the student should contact if they do not agree with any part of the information
- Documents should identify (if appropriate) how the grievance could have been avoided/how the student could have been supported better/if there need to be any changes to processes.

Minutes or notes (as appropriate) should be kept of any meetings. All grievance documentation should be kept together on the student’s confidential file.

Signatories should aim to resolve complaints at the earliest opportunity.

**22.3** Signatories must display information about complaints procedures available to international students and the IEAA in prominent positions within the institution, for example, on notice boards within the institution.

Information displayed on notice boards should be clear and simple. It could include a flow chart, pictures, or colour to attract student attention. The information should advise students who to contact if they have a grievance; refer to the signatory's formal complaints procedures; and include referral to the International Education Appeal Authority.

Students should be regularly reminded of grievance procedures, both verbally and in writing. This information could be included in class information or student newsletters, other student publications, and mail-outs.

Schools should ensure complaint procedures on display are written from a student's point of view. It should be organised under three sub-headings:

#### **Problems with subjects or teachers**

- a) Discuss the problem with your teacher. Take a friend or support person with you
- b) If you are still unhappy make an appointment to see your Dean or the teacher who looks after international students. If you still think you have serious problem ask to see the Principal

#### **Problems with other students**

- a) If it involves the student(s) in your class discuss it with the class teacher
- b) If it still continues see the guidance counsellor or the teacher who looks after international students

#### **Homestay problems**

See the person responsible for accommodation. If you are still not satisfied:

- a) You can write a note and make an appointment to see the Principal (you may take a friend with you)
- b) Your parents might like to write a letter to the Principal.

If you still feel your problem has not been solved you can contact the International Education Appeal Authority (current address provided)

You must be able to show them that you have tried to get the school to act before you contact them. If it he school is in breach of the Code they will contact the school regarding your complaint.

## **23 IEAA**

**23.1** The IEAA is established to receive and adjudicate on complaints received from international students and their authorised agents/representatives, or referred by the Administrator, concerning alleged breaches of the Code.

If an authorised representative makes a complaint on behalf of an international student, the student and the representative must have a clear understanding of what personal information the representative will be privy to. There should also be clear definition around when the representation stops, and what will happen to any records kept by the representative when they are no longer acting in that role or when the person also acts as a representative for multiple students, where knowledge about sensitive details may overlap (i.e. the representative learns something about student A from student B which student A did not choose to divulge).

**23.2** The Secretary for Education shall establish the criteria for appointment to the IEAA. Member/s of the IEAA will be appointed by the Secretary for Education after obtaining the views of interested sector groups.

**23.3** The Secretary for Education shall specify the terms and conditions of appointment of member/s of the IEAA, following consultation with the State Services Commission.

**23.4** The IEAA shall report its activity in written form to the Administrator:

**23.4.1** In summary form every three months; and

**23.4.2** With case notes, and data summary and analysis annually.

**23.5** An international student who considers that the signatory is in breach of the Code in respect of its dealings with that student may seek redress through the IEAA when they have exhausted the signatory's internal grievance procedures.

**23.6** The Administrator shall consult with the IEAA and specify the procedures the IEAA will apply to receive and adjudicate on complaints, consistent with the principles of fairness and natural justice, and in compliance with relevant legislation.

**23.7** Signatories agree to be bound by the IEAA's procedures, and agree to provide the IEAA with all information relevant to a complaint if requested to do so. A request may include the provision of a statutory declaration as to facts or circumstances.

**23.8** The IEAA may refer complaints about matters outside the scope of this Code, such as complaints about the quality of education delivery and/or quality assurance, to any relevant body empowered to investigate the particular complaint.

**23.9** The IEAA may refer any matter arising during the investigation of a complaint to the Administrator or to any other relevant body.

**23.10** The IEAA may refer complaints about misleading or deceptive conduct to the Commerce Commission or other regulatory authorities.

**23.11** All personal information provided to the IEAA will be dealt with in accordance with the Privacy Act 1993.

### Procedure of the IEAA

The IEAA investigate complaints by means, of letter, telephone, email, interview and teleconference. A preliminary assessment report is prepared and forwarded to the parties for comment. This report contains the Authority's proposed recommendations. The ultimate power of the IEAA is to recommend that an education provider be removed from being a signatory to the Code, thus preventing the provider from continuing to enrol international students.

### Report of the IEAA

Reports of the International Education Appeal Authority are available from the Ministry of Education website at the following link or on request from [info.code@minedu.govt.nz](mailto:info.code@minedu.govt.nz) or telephone (09) 632 9513. <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/>

[ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/ReportOfTheInternationalEducationAppealAuthority.aspx](http://www.minedu.govt.nz/NZEducation/CodeofPracticeforInternationalStudents/ReportOfTheInternationalEducationAppealAuthority.aspx)

## 24 IEAA decisions

**24.1** The IEAA will notify all parties affected by a complaint of its decision in writing. The IEAA's decision will be binding on all affected parties.

**24.2** The IEAA may impose an appropriate sanction, short of suspension or removal from the Code, on a signatory that has committed a breach of the Code that is less than a serious breach. These sanctions may include: a requirement that corrective action be undertaken; publication of the name of the signatory held to be in breach of the Code; an order for restitution; and/or payment of costs and/or interest.

**24.3** If a sanction has been imposed by the IEAA that requires the signatory to undertake remedial action, the signatory will be given a specified timeframe in which to undertake this action to the satisfaction of the IEAA.

**24.4** If the signatory fails to comply with the sanction to the satisfaction of the IEAA (including failing to comply within the specified timeframe), the IEAA may recommend to the Review Panel that the signatory be suspended or removed from the Code.

**24.5** If the IEAA finds that a signatory has committed a serious breach of the Code, it may recommend to the Review Panel that the signatory be suspended for a specified period as a signatory to the Code, or removed as a signatory to the Code.

There is no appeal mechanism for either signatories or students, and decisions of the IEAA are binding on all affected parties.

## 25 International Education Review Panel

- 25.1** The Review Panel is established by the Secretary for Education to consider recommendations made by the IEAA where the IEAA considers that a signatory has committed a serious breach of the Code or has not satisfactorily complied with a sanction imposed by the IEAA.
- 25.2** The Review Panel will comprise three independent members. The Review Panel may operate with a quorum of two members when one member is unavailable. The Secretary for Education will establish the criteria for appointment of the Review Panel members. Members of the Review Panel will be appointed by the Secretary for Education after obtaining the views of interested sector groups.
- 25.3** The Secretary for Education shall specify the terms and conditions of appointment of members of the Review Panel, following consultation with the State Services Commission.
- 25.4** The Review Panel shall report its activity in written form to the Administrator annually.
- 25.5** The Review Panel will determine its own procedures for receiving and adjudicating complaints, consistent with the principles of fairness and natural justice, and in compliance with all relevant legislation. Signatories agree to be bound by the Review Panel's procedures and to provide the Review Panel with all information relevant to a complaint if requested to do so.
- 25.6** All personal information provided to the Review Panel will be dealt with in accordance with the Privacy Act 1993.

## 26 Review Panel decisions

- 26.1** The Review Panel may:
- 26.1.1** Remove a provider as a signatory to the Code;
  - 26.1.2** Suspend a provider as a signatory to the Code for a specified period;
  - 26.1.3** Uphold the recommendation made by the IEAA;
  - 26.1.4** Set aside the recommendation made by the IEAA;
  - 26.1.5** Refer the matter back to the IEAA with directions to reconsider the whole or any specified part of the matter.

- 26.2** The Review Panel may impose one or more of the following lesser sanctions as it considers appropriate:
- 26.2.1** A requirement that corrective action be undertaken;
  - 26.2.2** Publication of the breach of the Code by the signatory;
  - 26.2.3** An order for restitution.

- 26.3** Without limiting what is contained in clauses 25.5, 26.1, or 26.2 the Review Panel may make decisions that:
- 26.3.1** Are interim or temporary pending final decisions;
  - 26.3.2** Come into effect on a future specified date;
  - 26.3.3** Have effect for a specified period.

- 26.4** The Review Panel will notify the Administrator and all affected parties to a complaint of its decision in writing. The Review Panel's decision will be binding on all affected parties.

The Review Panel may only act in relation to IEAA recommendations to remove or suspend a signatory. The interim orders etc will apply only in situations where this has been recommended by the IEAA.

## Part 8 APPLICATIONS AND MONITORING

### 27 Applications

**27.1** Applications by providers to become signatories to this Code will be accepted by the Administrator from the date of commencement of the Code.

The new Code (revised 2010) took effect on 1 November 2010.

**27.2** To become a signatory to the Code, a provider must send the Administrator a completed Code application form (available from the Administrator) for the Administrator to either approve or decline the application. The Administrator will notify the applicant of the outcome of their application in writing.

Applications forms are available from: <http://www.minedu.govt.nz/NZEducation/EducationPolicies/InternationalEducation/ForProvidersOfInternationalEducation/CodeofPracticeforInternationalStudents/CodeOfPracticeApplicationForms.aspx>

Applications will be assessed before the school is visited.

**27.3** Signatories wanting to enrol and accommodate young international students in a school hostel; or enrol young international group students; or enrol international students in Years 7 and 8 of a school, or aged 11–13 in any other provider and who will be living without a parent, must, in addition to the initial application for signatory status, send the Administrator an additional application for approval.

Separate applications for additional approval are required for each of the following categories of students:

- If you intend to enrol group students who are young international students (two or more international students aged 10 and up to (and including) year 8 who hold a group visa issued by Immigration New Zealand
- If you intend to enrol young international students enrolled in years 7 and 8 who will be living without their parents
- If you intend to accommodate young international students enrolled in years 7 and 8 or young international group students (see above) in a school hostel.

As included in clause 29 of the new Code (revised 2010), the requirements for approval from the Administrator to enrol or continue to enrol young international students who are not living with a parent, as set out in clauses 15.5, 27.3, and 27.4, are effective from 1 July 2011.

**27.4** To obtain approval as required by clause 27.3 above, signatories must satisfy the Administrator that the group student requirements in clause 3.4 (if appropriate), the welfare requirements in clause 13, and the accommodation requirements in clauses 15.5, 15.6, and 15.7 have been adequately met. This process may include a satisfactory on-site visit.

- 27.5** Signatories must, within 14 days of any change being made, advise the Administrator in writing about any change in:
- (a) Ownership;
  - (b) Legal status;
  - (c) Establishment name;
  - (d) Student fee protection policy status;
  - (e) Address of the establishment;
  - (f) Director(s) of a private training establishment;
  - (g) Conditions of operation that affect the age range of the international students it enrolls (including group students); and/or
  - (h) Site changes and/or additional sites.

- 27.6** In the event of any change listed in clause 27.5, the signatory must undertake to meet the current Code application or complete a new application.

Signatories must have a process in place to ensure that the Code Administrator is made aware of any changes listed above. Any advice to NZQA about changes should be copied to the Code Administrator.

- 27.7** The Administrator may remove a provider as a signatory on the application of the provider or with the agreement of the provider.

- 27.8** The Administrator may not remove as a signatory a provider who is currently under investigation by the IEAA or Review Panel without the written permission of the IEAA or Review Panel.

## 28 Monitoring and review

- 28.1** The Administrator will establish and implement procedures for the ongoing monitoring of compliance with the Code. This may involve the designation or appointment of an independent person or organisation to monitor the compliance of signatories.

Ongoing monitoring of compliance with the Code is undertaken by the Code Administrator, and the Education Review Office.

- 28.2** The Administrator may undertake site checks of signatories, with a minimum of 5 working days' notice to the signatory prior to the site check.

Site checks are undertaken by the Code Administrator in response to information received, or at the request of the signatory.

**28.3** Signatories must, at least annually, review their own performance and the accuracy and relevance of all information provided to prospective and enrolled international students to ensure compliance with the Code. The outcomes of this review must be recorded in a form that can and must be made available to the Administrator if requested.

The review should be ongoing throughout the year, and could include:

- Monitoring and reviewing through means such as student satisfaction surveys.
- Signatories should keep documentation of and register all complaints with accompanying analysis, action plans and improvement documentation
- Analysis of student academic progress
- Ongoing monitoring of student accommodation, attendance and welfare
- The use of the school's own self-review methodology.

Signatories should use the General Application form for the Code (Revised 2010) to review their documents, policies, and procedures. The “Self-Review” form will help signatories review their performance and see if any of their procedures or policies need updating.

Signatories should also retain copies of any correspondence with the Code Office regarding their review, such as letters acknowledging receipt of the annual return sheet and confirmation of current compliance with the Code.

These documents should be made available to review agencies and the Administrator if requested.

**28.4** The Administrator may, if satisfied on reasonable grounds that a signatory is not or may not be complying with any provision in the Code, refer the matter to the IEAA as a complaint to be investigated and determined in accordance with the provisions of this Code.

The Code Administrator will undertake a preliminary investigation into any complaint received, and determine if the complaint can be resolved. If the complaint cannot be resolved, the Code Administrator may refer the complaint to the IEAA for a determination.

**28.5** The Administrator may refer complaints about matters outside the scope of this Code, such as complaints about the quality of education delivery and/or quality assurance, to any relevant body empowered to investigate the particular complaint.



## Part 9 ADMINISTRATION

### 29 Transitional arrangements

**29.1** From 1 July 2011 signatories must not enrol or continue to enrol young international students who are not living with a parent, without approval from the Administrator as set out in clauses 15.5, 27.3, and 27.4.

**29.2** From 31 December 2011 signatories may place or continue to place international students aged 10 and under in a licensed hostel only if the student is enrolled in Years 1-6 of a school, the hostel is a school hostel, and the signatory has approval from the Administrator as set out in clauses 15.5, 27.3, and 27.4.

**29.3** Complaints brought to the attention of the IEAA or the Review Panel prior to the coming into force of the Code (Revised 2010) will be dealt with under the Code as revised in 2003.

### 30 Amendments to the Code

**30.1** The Administrator must give signatories written notice of any intention to amend any of the provisions of the Code, and provide them with at least 20 working days to make submissions about the proposed amendment(s).

**30.2** After receiving submissions, the Administrator must seek the approval in writing of the Minister to the proposed amendment(s).

**30.3** Any amendment(s) to the Code will be notified in the New Zealand Gazette.

### 31 Transfer of the administration of the Code

**31.1** The administration of the Code may be transferred from the current Administrator to another body with the agreement of that body.

**31.2** A representative industry body may propose to the Minister that the administration of the Code be transferred.

**31.3** The current Administrator must give signatories notice of its intention to transfer the administration of the Code, and any consequential amendments to the Code arising from the transfer, and provide them with at least 20 working days to make submissions about the proposal.

**31.4** The Minister will make a decision on the proposed transfer and the consequential amendments to the Code after considering the advice of the current and prospective Administrator, and any submissions made by signatories to the Code.

**31.5** Any transfer of the administration of the Code will be notified in the New Zealand Gazette.