

Code of Practice for the Pastoral Care of International Students Newsletter

December 2008

Kia ora koutou

A Christmas Message from Dot Bach



Christmas is nearly here and I would like to extend to you all my best wishes for Christmas and the New Year. On behalf of the team I would like to offer my very sincere thanks for your hard work during 2008. The challenge this year for the Code team and all of you in the export education industry who work with the Code has been awaiting the proposed changes to the Code. Throughout the year we have all been wanting to implement any changes early in 2009 and so I thank you for responding positively to the delays we have had. We anticipate implementation will take place in July 2009. I trust that all Code signatory staff can see the difference their work is making to the most important people - their international students. Our four audit agencies have reported through the year that in general signatories are compliant and examples of good practice are coming through. I have had the pleasure of meeting with and visiting many of you this year and I have been very impressed by the amount of time and effort that is devoted by so many education providers, agencies and organisations, government and non-government, in ensuring the protection and well-being of international students. I am aware that many of you give up much of your own time to ensure that international students are kept safe and cared-for.

I would also particularly like to thank my team, who do their very best to ensure that we can respond to your queries regarding operating the Code.

May I extend the season's greetings to you all and a wish for peace, happiness, love and good fortune during 2009.

**Dot,
Code Manager**

Update on the Code of Practice Review

To coordinate and finalise all the proposed changes to the Code, we anticipate implementation will take place in July 2009. Notification of any revision will be made through the New Zealand Gazette, prior to implementation, and all signatories will be informed of when and where copies of the Revised Code may be obtained.

Can international students complain to the Ombudsman?

Anyone, including an international student, has the right to complain to the Ombudsman about something a school board or tertiary institution has done. However, Private Training Establishments are not included in the bodies that can be investigated. In general the Ombudsman will not investigate a matter for which there is already a right of appeal to a tribunal constituted by or under any enactment. Both the IEAA and the International Education Review Panel are set up under the Education Act and as such, once the international student has exhausted the internal grievance process of their education provider, they should make their complaints first known to the IEAA before considering a complaint to the Ombudsman.

Who should sign contracts between the Education Provider and the student?

Although the Code does not stipulate rules about who signs contractual documents, it is considered best practice for the parents of a student aged under 18 to sign on the student's behalf. Section 15.7 of the Code requires that education providers make contact with parents of students aged under 18, prior to enrolment. It is suggested that when establishing this contact, education providers insist on the signature of parents for any contractual agreements regarding their children.



When an international student gains domestic student status

As defined in Education Circular 2007/1, a child who is the dependent of a parent holding an unexpired work permit, is classified as Domestic in terms of their eligibility for enrolment in a NZ School. Often students who start out as international foreign fee payers later gain domestic status as their parents obtain the appropriate authority to work. Many schools are familiar with this scenario. The question that some schools are asking is *What should I do about refunding fees when a student's status changes from international to domestic status?* The answer is that schools should address this through their refund policies, which should be reiterated to parents prior to enrolment. It is also useful for schools to raise this issue for discussion during pre-enrolment interviews with parents. Schools can set their own refund policies which should be consistent with the Code requirement to be fair and reasonable in their contractual dealings. The important part is that parents are aware of and understand the parameters of the refund policy, before they enter into an agreement with the school.

Impending changes to Eligibility to Enrol Circular (Education Circular 2007/1)

There are two changes coming to the Eligibility to Enrol circular; these will come into effect in schools early in 2009. The changes affect the dependent children of NZAID students, who will have domestic status. There is also a slight change to the documentation required of the children of diplomats. These students will have a letter from the Protocol Division of the New Zealand Ministry of Foreign Affairs and Trade to confirm that they have domestic status. If they don't have such a letter, they will be treated as fee-paying students. The changes to the circular will be confirmed in a new updated circular published in December 2008/January 2009.

IEAA Report 2007

The 2007 IEAA report can now be downloaded from the MoE website. Go to www.minedu.govt.nz and search for 'IEAA report 2007'

Exchanges which are organised by a school

All exchanges organised by schools must be registered with Kate Ford at MOE even if they are private arrangements school to school. An application form is available on the Ministry of Education website www.minedu.govt.nz and search for "student exchange approvals" You can contact Kate by emailing her at kate.ford@minedu.govt.nz or phone 04 463 8085.

It's time to update your IEAA contact details

Please update your student information with the new IEAA contact details.

IEAA,
Tribunals Unit
Level 1, 86 Custom House Quay
Private Bag 32001,
Panama Street
Wellington
Email: ieaa@justice.govt.nz
Website: www.minedu.govt.nz

More information regarding the new appointments to the IEAA and the International Education Review Panel will be announced in the New Year.

The Code Office welcomes Anne Lee

We at the Code Office consider ourselves very lucky to have Anne Lee on board. Having come into the Ministry of Education from the Auckland University of Technology Anne has now worked for a number of years in Tertiary Education and brings with her a wealth of knowledge and experience. Anne will be working across government agencies and education sectors to enhance the monitoring and compliance requirements of the Code.

Shonagh Mulvey

Shonagh provides Code advice and guidance to the School sector. We are lucky to have her available to work from Christchurch as this strengthens our links with schools in the South. In addition, we hope to announce the appointment of a Seconded person to the Schools position working in Auckland in the New Year.



Can international students aged under 18 travel independently during their stay in NZ?

The Code does not mandate specific requirements related to independent travel. It is good practice for education providers to outline their own policy regarding independent travel. Some education providers choose to stipulate in their tuition agreement that students aged under 18 will not be permitted to travel independently during their period of study in New Zealand.

What about the time after their period of study has ended, when they still have time left on their student visa?

The dates at which the period of study end should be made very clear to parents and any plans that a student has to travel thereafter should also be discussed with the parents. Sections 15.7 & 15.8 of the Code contain requirements regarding communication with parents of students aged under 18. This is of paramount importance when tackling the issue of independent travel. The Code Office recommends that very clear and direct communication is made and maintained with parents at all times, but especially if students are planning to travel independently. In the event that a school decides that students are permitted to travel independently (other than with their caregiver) the following should be taken into consideration:

- The school is advised to contact the parent directly (by phone and where necessary using a first language speaker) to verify the travel proposal and to express the school's concerns.
- Schools should also provide a 24/7 contact number to the student and the parents.
- The school should write an agreement requiring the parent's and student's signatures stating the school's position and stipulating the conditions of the travel plan.

The agreement may include:

1. An itinerary - including ways of travel and accommodation details
2. Contact numbers and addresses of accommodation

3. Code of conduct
4. Schools could require the students to phone or email in at specified times
5. Penalties for breaching any section of the agreement
6. The school's 24 hour contact number to be used in case of an emergency.

The Code Team



From left to right; Emma Mackie, Yvonne Callaghan, Dot Bach, Anne Lee.

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