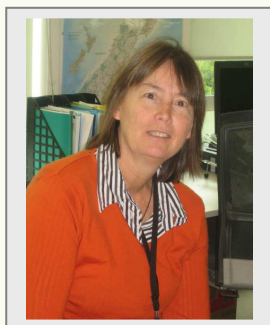


Newsletter

September 2009

Kia ora



It was nice to catch up with so many of you at the Education NZ conference and for those of you who went to other conferences (such as ISANA 09 and Study Auckland) to also meet with members of

the Code team. I know you all will want to receive an update on the review of the Code of Practice, so find out what's happening below.

Tihei Mauri Ora! / Behold the sneeze of life – May you live long

Dot

Policy update

Consultation on young international students

The Ministry of Education, through the International Division policy team is undertaking a limited consultation on the Code of Practice with key industry representative bodies. The consultation will ask these representatives to seek their members' preferences on options for possible changes to the living arrangements of young international students (also referred to as the guardianship policy).

International students changing provider

Another significant piece of policy work has been to look at measures to address the issues surrounding international students changing provider. This work has involved the Ministry of Education, NZQA and the Department of Labour, in consultation with the private training establishment (PTE) sector. As part of this, the Minister of Education announced that the Education Act will be changed and it has been **proposed** that the new policy allow PTEs to retain up to 25% of fees charged as recompense for costs incurred in recruiting international students. Details of this

policy announcement are still to be determined and more information will be available as the options for this policy changes are developed.

Implementation of the Code of Practice

Once the new Code has been gazetted in the New Zealand Gazette the Code office will swing into action with planned workshops which are solely aimed at information dissemination. Once we set dates for these workshops we will let you know when and where they will be held. We will be looking at the areas of Code changes and what that may mean for our Code signatories. Changes that will require a transitional timeframe will be identified – we will not be expecting our signatories to comply with any Code changes overnight.

Self review, self attestation and external review

ERO, NZQA and ITPQ have been providing you with information around what the review process might look like for our signatories in the coming year. The Code office has been working with these agencies to ensure that the Code annual self review and self-attestation return form complement the external review process. This September will be the last time all signatories will use the checklist on our website to conduct their self review. In 2010 it is planned that the annual self review process will be linked to the new Code and to the external review conducted by your review authority. Again, we will clearly transition you onto the new tools and data required for your self review.

Code team

Shonagh Mulvey

We were sad to hear that Shonagh has suffered a stroke. She is in recovery and slowly regaining speech and movement. We have received several positive, appreciative emails regarding Shonagh's work since she began working for the Code office.

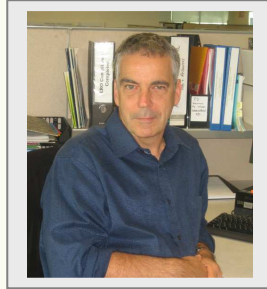
Tony French

We farewell Tony, whose contract with us has now ended. Tony made quite an impact with school staff who sought his advice in his short time in the Code office. His sensible advice and excellent relationship skills were much appreciated.

On a very happy note, we welcome two permanent staff to the team, Robert Minahan and Denise Laing.

Robert Minahan (Code Adviser – Schools)

Robert joined the team in mid August to assist with Code enquiries from schools.



As a former teacher and school principal he has considerable experience working in primary and intermediate schools in the Auckland area.

After working in schools in the suburbs, he is now 'transitioning' to the daily commute from the east into the Ministry offices here in Mount Eden.

Feel free to make contact with Robert at the Code Office for any concerns involving the pastoral care of international students in schools.

Denise Laing (Advisory Officer)



Denise has provided executive assistance to directors in New Zealand and Australia in various industries including complimentary

healthcare manufacturing, importer/distributors of Calvin Klein, Sea-Doo watercraft and Thalgo skincare. Her experience lies in areas of reception, customer service, graphic design, accounts administration, data analysis and database management. Interests outside of work include baking, painting and silver-smithing.

We have been fortunate enough to gain two highly-skilled and experienced team members. So it is with excitement and enthusiasm that we look forward to 'bringing on' the revised Code and the associated implementation procedures and 'tools' we have been preparing for you.

Making sure that a homestay is not a boarding establishment

Recent checks by the Hostel Licensing Authority indicate that some homestays may be operating as boarding establishments which should be licensed as a hostel. A homestay is defined in the Code is **'accommodation provided to an international student in the residence of a family or household where no more than four international students are accommodated'**.

If five or more international students are accommodated then the homestay is operating as a boarding establishment and is therefore subject to the requirements of Section 19 of the Code. In addition, if the boarding establishment is used mainly or solely for the accommodation of students enrolled at a registered school, then it comes under the Education (Hostels) Regulations 2005 and must be licensed by the Hostel Licensing Authority.

Please be mindful that a homestay carer may be providing accommodation to students from more than one school and as such there may be a possibility that more than four international students are staying there. Numbers of international students resident in a homestay can be monitored when carrying out your regular homestay visits and your quarterly interviews with students.

Of particular reference for Schools, the Hostel Licensing Authority may check homestay addresses through the ENROL system, so please ensure that details have been input correctly. There have been cases where during the enrolment process a student is recorded as living at an agent's address and if that address has been used for more than one student and not updated, it gives the impression that a particular address is accommodating more than 4 international students. A similar problem arises when a student changes their homestay and the details are not updated on ENROL. → Please take a moment to check your homestay record-keeping, and perhaps work with your colleagues in the schools of your area to ensure that no more than 4 international students are accommodated at each homestay.

What is considered appropriate accommodation for students aged under 18?

According to the Code all international students aged under 18 must live in one of the following categories:

- a) Homestays;
- b) Boarding establishments;
- c) Designated caregivers;
- d) In the case of students on short courses only, in temporary accommodation; or
- e) Living with parents

It is the responsibility of the education provider to ensure that the applicable provisions for each category (Sections 18-23 of the Code) are observed. The Code Guidelines are available on our website to assist you in meeting these requirements. There are also useful resources available which you may wish to use as tools for your monitoring and assessment of accommodation. Remember, if you are using an accommodation agent such as a homestay organisation you should ensure that you have a contract clearly outlining the division of responsibilities between you (the signatory), the agent and the homestay family.

First language support and counselling

It is important for anyone enrolling international students to have access to first language counselling and support services for their students. In particular those education providers who are enrolling students in School Years 1-8 or aged 13 and under in any other provider have mandatory obligations under the Code to provide these services. → Take this opportunity to check the resources that you have available and to update your contact list of Counsellors, Support Services and Translators. For further guidance on first language support and counsellors, please refer to the Code Guidelines Sections 15.9 & 15.11.

Terminating enrolment

Signatories must follow the procedures set out in the Immigration New Zealand guidelines and advise INZ immediately using the INZ electronic notification form, available at <http://www.immigration.govt.nz>, if any international student's enrolment has been terminated.

Police vetting

“Regrettably there are delays in the vetting service. These delays originate from a combination of volume of requests and resourcing. Police currently vet close to 500,000 New Zealanders



every year. Police are addressing the delays in two ways. Firstly, an IT based process is under design and development. Secondly, approval has been given to employ additional staff. Despite the current national employment situation and every recruitment effort made we have been unable to fill vacancies within the unit. While the goal of the unit providing the Police vetting service is a response within 7-10 days the statutory requirement, under the Privacy Act is to respond within 20 working days. The standard in the statement of service for Police and reported in the Annual report is a vetting response within 30 (calendar) days. For the year ended 30 June 2009 vetting requests were returned within 30 days for 51% of vetting requests. Please be assured that Police are working to address this issue” - Joe Green, Inspector, Manager Licensing and Vetting, NZ Police

→ Under section 23 of the Code, all persons aged 18 and over who are resident in a homestay household must be Police vetted. Providers should be mindful of the current delays when undertaking further enrolments of international students aged under 18, where accommodation must be arranged and vetted accordingly.

IEAA contact details

→ Please check that all promotional material provided to your prospective and enrolled international students (i.e. prospectus, handbook, notice-board display material) contains the correct contact details for the International Education Appeal Authority (IEAA) as follows:

Private Bay 32001

Panama Street

WELLINGTON

Phone (04) 462 6660 Fax (04) 462 6686

Email ieaa@justice.govt.nz

September 2009 Self Attestation form

Thank you to those of you who have returned your September 2009 Self Attestation form. We received feedback asking for clarification of the following areas:

Report to CEO/BOT - Section 1.1 of the Code states: "Signatories must bring the existence and content of the Code to the attention of the staff directly or indirectly involved with international students." Our Guidelines state this information can be given to staff involved with the health and welfare of students in many ways, including: "via reports (e.g. to Senior Management)." The Principal or Director must be informed by their staff regarding the enrolment and care of international students in order for them to report regularly to their governance Board.

Fee Policy in place, fee payer fund set up and all fees fully paid into it – it is a Code requirement to have a Fee Protection Policy in place which outlines how you will ensure protection of international student fees.

Memorandum of Understanding

For this part of the self attestation we are seeking information regarding Memorandums of Understanding that you may have with other NZ education providers. You may have MOU's with off-shore providers but it is not necessary to list these on the self attestation.

Frequently asked questions

Is insurance mandatory for short term students?

We are often asked this question, particularly in relation to students studying at PTEs, on short term courses for less than 3 months. The answer is **yes** insurance is mandatory for all international students, including those on temporary permits (including work and visitor permits). For further guidance on insurance recommendations, please refer to the Code Guidelines Section 7.4.

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 the 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 and also to 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:

- an itinerary including ways of travel
- accommodation and contact details
- a code of conduct
- a requirement for students to phone or email in at specified times

Contact Us

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Dot Bach: Code Administrator
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