

EDUCATION (HOSTELS) REGULATIONS 2005

Implementation Newsletter No.6

September 2007

Dear Stakeholders

This newsletter contains important information for hostel owners (Trust Boards and Boards of Trustees), hostel managers and school principals.

It includes a summary of the current situation regarding the hostels' licensing process and on-going maintenance of the regulations. It aims to clarify the respective roles of the Ministry of Education (MOE) and of the Education Review Office (ERO); and it informs of the transfer of hostel licensing operations from Jim Sinclair in Auckland to a division of the Ministry of Education in Wellington.

The newsletter may also be downloaded from the Ministry of Education's website at www.minedu.govt.govto/hostels

Current Situation

- The initial implementation phase of the *Education (Hostels) Regulations 2005* is now over.
- All applications from known school hostels have been approved and licences granted and details uploaded to the MOE website.
- The list of licensed hostels can be viewed at the web address listed above.
- Currently, there are 113 licensed hostels
 - 103 school hostels
 - 21 serving private schools
 - 34 serving integrated schools
 - 48 serving state schools
 - 7 Health Camps
 - 3 private homes
- Ownership types
 - 110 body corporates
 - 2 partnerships
 - 1 individual owner
- Number of Hostels by MOE region
4 Whangarei, 19 Auckland, 10 Hamilton, 3 Rotorua, 13 Napier, 15 Wanganui, 8 Wellington, 5 Nelson, 20 Christchurch, 11 Dunedin, 5 Invercargill

- NB: an application for a hostel licence from a private home in Auckland is expected early in October.
- ERO monitoring includes an inspection to ensure a hostel is operating with a licence.
- Pandemic packs have been customised for schools, hostel owners and schools that have foreign students and are available from the MOE Website:
- schools
www.minedu.govt.nz/web/downloadable/dl11373_v1/pandemic-planning-guide-schools-15-aug.doc - 2007-07-17
- hostel owners
www.minedu.govt.nz/web/downloadable/dl11373_v1/downloads-pandemic-action-plan-for-hostels.doc - 2007-07-17
- providers that have foreign students
www.minedu.govt.nz/.../downloadable/dl11437_v1/0-pandemic-preparations-for-schools-with-internat.doc - 2007-05-01
- A data base containing hostel licensing information has been established.

On-Going Maintenance

- Determining who comes under the Regulations
There are various types of accommodation used by groups of students in addition to school hostels that may need to be tested against the intent of the Regulations. For example, outdoors education centres that accommodate 'long stay' groups maybe considered 'boarding schools' in these instances.
- Change of Directors' Notifications
We have started to receive updates of changes to trust board members (body corporates).
The Regulations require the Licensing Authority to be notified when trust board members change.
The 'Change of Director' form on the website has been revised and can be downloaded.



- Renewal of Licences is scheduled for 2010
 The renewal process should not be as complex as the grant of an initial licence.
 Prior to 2010 a hostel licence will need to be renewed if premises or operations change or the owner of the hostel changes. In these situations a new licence must be issued but it will only be valid up to 2010.

Review of the Hostel Regulations as a Consequence of Implementation

- During the implementation process several minor problems became apparent. The timing of licence applications came just before board of trustee elections, resulting in two notices of change of directives. In addition, the eligibility criteria for 'fit and proper persons' for a hostel owner (body corporate e.g. trust board members) does not align with the criteria for board of trustee members, yet in most state schools the trustees for both trusts are the same people. These matters are under review for possible amendment to the Regulations.
- Also under review are the criteria for 'fit and proper persons' as the current definitions in the Regulations may be discriminatory under the Human Rights Act.
- There is no provision for the Licensing Authority to determine if a licence owner with regular or unsupervised access to hostel children has successfully completed a police vet. This is particularly so where a licence owner is a partnership or an individual owner. This matter is to be rectified.

The Role of the MOE as the Licensing Authority

- Recently there have been a number of inquiries from parents of student boarders and also from schools and other agencies seeking clarification of the role of the MOE.
- The Education (Hostels) Regulations are based on sections 144B to 144E of the Education Act to help ensure the safety of students who board at hostels.

- 144C provides the ability to make regulations about school hostels.
- 144D allows for the inspection of hostels by an authorised person for the purpose of monitoring compliance with the regulations (NB: ERO reviewers are not authorised persons for this purpose).
- 144E sets out the process of appointing an authorised person by the Minister.
- The Regulations provide the functions of the Licensing Authority which include -
 - the grant or renewal of licences
 - issuing formal directions to hostel owners to eliminate non compliance (Regulations 28-31)
 - the authority to suspend and cancel licences (Regulations 32-40)

The Role of ERO

- Sections 328E to 328H set out the functions of the Chief Review Officer to carry out reviews of the provision of a safe physical and emotional environment that supports learning for students accommodated in hostels.
- Section 238G sets out the powers of Review Officers to conduct inspections or enquiries.
- ERO reviews hostels as part of school reviews and include an assessment of the extent to which hostel regulations are being met. Reviewers will not spend time checking on compliance with the regulations. Instead, the hostel owner will be required to complete a **Hostel Assurance Statement** with the assistance of a self audit checklist.



- The ERO Reviewer will :
 - check to confirm that the hostel is licensed
 - report on the extent to which licensing requirements are being met
 - identify any actions required for the owner to comply.
- The Hostel Regulations allow the Licensing Authority to
 - take into account ERO reviews of hostels in the grant or renewal of a licence
 - satisfy the Licensing Authority that hostel premises and facilities are suitable and comply with the regulations; and that management complies with the regulations (Regulation 12).

Licensee (Hostel Owners')Duties

- The Regulations require hostel owners to perform specific tasks on -
- displaying the licence, providing the names of responsible persons, and a notice that explains the procedure for the handling of complaints (Regulations 25 & 26)
- providing the Licensing Authority with notice of every change in the directors or persons concerned in the management of the body corporate (Regulation 27)
- the receipt of a formal direction/ suspension/cancellation (Regulations 30, 34, 39 and 40).

Handover of Hostel Licensing Operations

From 8 October 2007 Licensing Authority Operations will be handled by Daniel Reid and all inquiries should be forwarded to him.

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