



Mana Tohu Mātauranga o Aotearoa  
New Zealand Qualifications Authority

5 October 2023

[REDACTED]

[REDACTED]

Tēnā koe [REDACTED]

### Official Information Act Request

Thank you for your request of 13 September 2023, under the Official Information Act 1982, for the following information:

*Legislation in question:*

- *Education (Pastoral Care of International Students) Code of Practice 2016 (Part 4: 13 Outcome 2: Managing and monitoring agents (& process 14))*
- *The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (58 Outcome 14: Managing and monitoring education agents (and process 59))*

- 1. How many complaints has NZQA as the Code Administrator received between 2016-2023 each year for the 'managing and monitoring (education) agents' outcome and process?*
- 2. In total, how many investigations of breaches of the 'managing and monitoring (education) agents' outcome and process have been undertaken each year? How many breaches have been identified?*
- 3. How else than by receiving and reviewing self-reports and complaints does NZQA ensure that the agent management and monitoring standards are not breached?*
- 4. In NZQA's view, does the use of agent aggregators align with The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 as it relates to 58 Outcome 14: Managing and monitoring education agents (and process 59)?*
- 5. Can you provide full time staffing (FTE staff/year) detail in the Code team between 2016-2023?*

NZQA's responses to each of the questions in your request are as follows.

#### **1. How many complaints has NZQA as the Code Administrator received between 2016-2023 each year for the 'managing and monitoring (education) agents' outcome and process?**

We have interpreted the timeframe for this request to be when the complaint was received rather than when it was completed.

We have understood 'complaints' to mean all formal complaints<sup>1</sup> we have received during the specified timeframe. Not all formal complaints result in an investigation by NZQA.

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<sup>1</sup> A formal complaint is defined as a written complaint from a student about their experience at an education provider, which: (i) has been necessary to escalate to NZQA, (ii) NZQA has assessed as falling within its jurisdiction, (iii) the student has authorised NZQA to investigate, and (iv) is related to the education provider's compliance with the Education and Training Act 2020, NZQA Rules, Education (Pastoral Care of International Students) Code of Practice 2016, or Education (Pastoral Care of Domestic Tertiary Students) Interim Code of Practice 2019 (or the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 from 1 January 2022).

Year	Number of complaints
2016	0
2017	2
2018	0
2019	1
2020	0
2021	0
2022	0
2023 (up until 13 September 2023 – when OIA was received)	0

**2. In total, how many investigations of breaches of the ‘managing and monitoring (education) agents’ outcome and process have been undertaken each year? How many breaches have been identified?**

We have interpreted the timeframe for this request to be the year when the investigation was commenced (undertaken) rather than when it was completed.

We don’t record investigations based on a breach or no breach. Instead, we give an overall investigation outcome rating. Of the five investigations below, one had an outcome rating of ‘minor/unsubstantiated’ and the remaining four were rated ‘opportunity for corrective action.’

Year	Number of investigations relating to management and monitoring of education agents	Outcome rating
2016	2	One rated minor/unsubstantiated and the other rated opportunity for corrective action
2017	2	Both rated opportunity for corrective action
2018	1	Opportunity for corrective action
2019	0	
2020	0	
2021	0	
2022	0	
2023	0	

**3. How else than by receiving and reviewing self-reports and complaints does NZQA ensure that the agent management and monitoring standards are not breached?**

Providers are responsible for ensuring they meet the requirements of the Code. NZQA monitors compliance with the Code through self-reviews and following up on any concerns raised - this may be from a complaint or referral or identified through other quality assurance activities, such as external evaluation and review, and monitoring.

The *Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021* (the Code 2021) requires that providers are responsible for checking the references, credentials and operating practices of their agents (see Part 6, Outcome 9, Process 2). In addition, providers must also monitor their agents’ activities, performance, integrity, and professionalism, and are responsible for any misconduct on behalf of the agent, either directly or by omission. Under the

*Education (Pastoral Care of International Students) Code of Practice 2016*, the responsibility for managing and monitoring agents also sat with the signatory provider.

In addition, the Code 2021 (Part 6, Outcome 10, Processes 1-4) requires providers to maintain oversight over the enrolment process and to ensure clarity and transparency with respect to these processes for the learner and their family/guardian. When these standards are not met, the learner, or their family, or their appointed representative, have the right to redress through the Disputes Resolution Service (DRS) (see Part 3, Outcome 2, Processes 2-3 of the Code 2021).

**4. In NZQA’s view, does the use of agent aggregators align with The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 as it relates to 58 Outcome 14: Managing and monitoring education agents (and process 59)?**

The legislation allows for a code to set out the key processes required by providers to support the well-being and safety of students. The Code 2021 does not prevent providers using third parties. While NZQA as administrator does not directly monitor agents or individual transactions taking place throughout the sector, we require providers who use agent aggregators to comply with the Code.

**5. Can you provide full time staffing (FTE staff/year) detail in the Code team between 2016-2023?**

The table below gives the number of full-time staff in the Code team as at 31 December for years prior to 2023, and as at 14 September 2023.

As at	Number of full-time staff in the Code team
31/12/2016	1
31/12/2017	2
31/12/2018	3
31/12/2019	3
31/12/2020	7
31/12/2021	7
31/12/2022	5 <sup>2</sup>
14/09/2023	7

The original Code team was established in 2016, in response to the Education (Pastoral Care of International Students) Code of Practice 2016. The introduction of the Education (Pastoral Care of Domestic Tertiary Students) Interim Code of Practice 2019 expanded NZQA’s Code Administrator Function from all international learners to all international learners and all domestic tertiary learners. This increase in responsibility as Code Administrator is reflected in the increase in FTEs within the team.

While the Code team carries out many functions of the Code Administrator role, NZQA, as an organisation, is the Code Administrator. This means that the Code Administrator functions are carried out by several different teams. For example, the Risk team is responsible for looking into complaints including those covering Code issues, and the approvals and accreditation team approve applications to become a signatory provider (as defined in s10 of the Education and Training Act 2020). The table does not include the number of FTEs allocated to Code work outside of the Code team.

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<sup>2</sup> The decrease in FTE staff as at 31 December 2022 is due to role vacancies within the Code team.

If you require further assistance or believe we have misinterpreted your request, please contact Elizabeth Templeton in the Office of the Chief Executive, email [elizabeth.templeton@nzqa.govt.nz](mailto:elizabeth.templeton@nzqa.govt.nz) or telephone (04) 463 3339.

Please note that we may publish this response on our website after five working days. Your name and contact details will be removed before publication.

You have the right to seek an investigation or review by the Ombudsman of this decision under section 28(3) of the Official Information Act 1982. Details of how to make a complaint can be found at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz). You can also telephone 0800 802 502 or write to the Ombudsman at PO Box 10152, Wellington, 6143.

Nāku nā



Dr Grant Klinkum  
Pouwhakahaere/Chief Executive