

Guidelines for Code Signatory Schools

The Education (Pastoral Care of
Tertiary and International Learners)
Code of Practice 2021



Te Oranga me
Te Haumaru Ākonga

**Learner Wellbeing
and Safety**

NZQA

NEW ZEALAND QUALIFICATIONS AUTHORITY
MANA TOHU MATAURANGA O AOTEAROA

QUAL FY FOR THE FUTURE WORLD
KIA NOHO TAKATŪ KI TŌ ĀMUA AO!

February 2022

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Section 01

Introduction and Overview



Introduction

About these guidelines

These guidelines are intended to be used by schools that are approved signatories to the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code) to understand, interpret, and implement the requirements of the Code to their own unique circumstances, and establish good practices that meet the legislative outcomes of the Code.

The previous international Code requirements are retained for international school learners in the 2021 Code. There are minor amendments, and these can be found in NZQA's [Code-to-Code Comparison Tool for School Signatories](#). These guidelines for schools are therefore largely unchanged from NZQA's previous guidelines for the international Code.

The 2021 Code requires signatories to give effect to the Code in a way that is consistent with Code Administrator (NZQA) expectations (clause 3(2)).

These guidelines set out NZQA's expectations as Code Administrator for how signatory schools are to understand, interpret and appropriately apply the Code to their learners and contexts. The guidelines do not (and cannot) place additional requirements on signatory schools beyond those already set out in the Code.

The guidelines:

- introduce the Code
- describe the role of NZQA as Code Administrator in supporting and monitoring Code compliance
- set out the expected process signatory schools must follow when determining what is 'reasonable', 'as far as possible/practicable' and 'appropriate'
- provide detailed guidance for understanding and applying the Code outcomes and processes
- provide optional resources and examples of what practice may look like, to prompt signatories' thinking about how their practices could fulfil the process requirements.

The guidelines are a living document and will be updated as required to remain current and fit for purpose.

Navigating these guidelines

These guidelines must be read in conjunction with the [Code](#). They are structured around each of the Code's ten outcomes for school signatories and their corresponding processes.



Navigating these guidelines

U18

Under 18 year old and/or under 10 year old international school learners

The flag and blue line highlights material specific to under 18 year old and/or under 10 year old learners

About the Code

The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code) sets out the outcomes and requirements that all signatory schools must meet for the wellbeing and safety of their international school learners.

The Code was issued by the Minister of Education on 16 July 2021 with effect from 1 January 2022.

The New Zealand Qualifications Authority (NZQA) is the Code Administrator, responsible for monitoring and supporting providers to give effect to the Code. NZQA delegates some of its responsibilities to the New Zealand Vice Chancellor's Committee (NZVCC) for the monitoring of universities' self-reviews.

The Code applies to all universities, Te Pūkenga, registered private training establishments (PTEs) and wānanga that enrol domestic tertiary learners and/or international learners, and all schools that are Code signatories.

While there are new requirements in the Code for tertiary education providers and tertiary Code signatories, for signatory schools the outcomes and requirements of this Code remain functionally the same for international school learners as in the previous international Code.

Purpose and Scope of the Code

Under the Education and Training Act 2020, the purpose of the Code is to require providers to:

- take all reasonable steps to maintain the wellbeing of domestic tertiary students and to protect international students
- ensure as far as possible that domestic tertiary students and all international students have a positive experience that supports their educational achievement.

The 2021 Code also applies to international learners enrolled at a New Zealand school or tertiary provider, even when the learner is based offshore.

For more information about the application of the Code in offshore settings, see [NZQA's Guidance for Tertiary Providers](#).

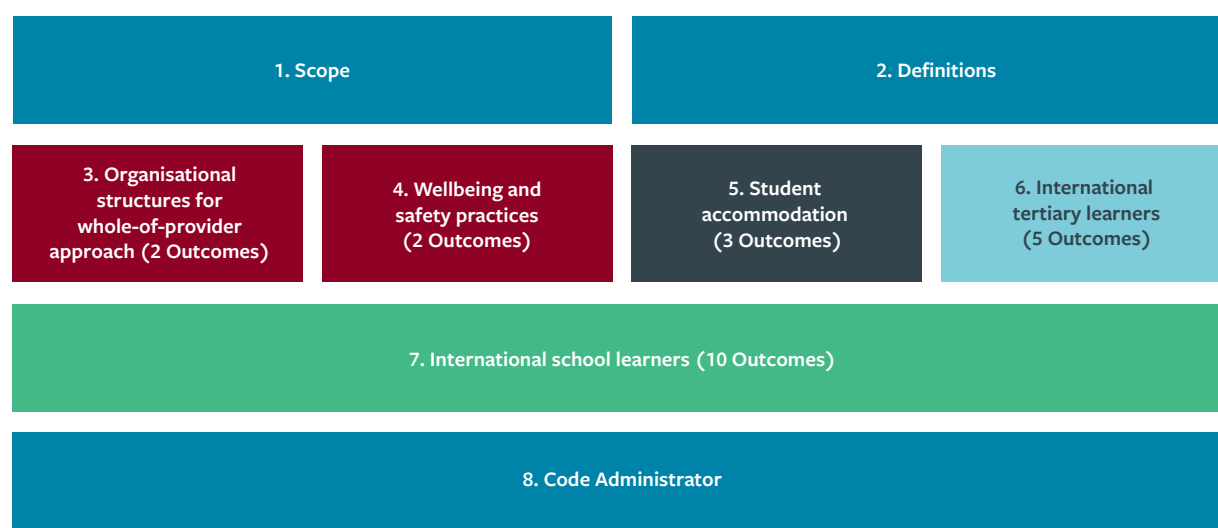
Structure of the Code

The Code has eight Parts and 22 Outcomes, but not all Parts and Outcomes apply to all providers.

The Code separates requirements based on whether a learner is in school or tertiary education, is living in student accommodation, or is domestic or international.

Part 7 (Outcomes 13-22) applies to schools that are approved signatories to the Code. These 10 outcomes closely align with the previous 2016 international Code and are the only Outcomes in the new Code which apply to signatory schools.

See the table below for an overview of the structure of the Code.



Applying the Code

The Code must be implemented in a way that is appropriate to learners' needs and contexts and consistent with Code Administrator's expectations (clause 3(2)).

The Code also applies to any activities provided by – or organised by or on behalf of – a signatory school for enrolled international school learners, whether in New Zealand or offshore (clause 3(4)).

Unless the Code specifies exactly what must be done and how, schools have the flexibility and responsibility to determine what is appropriate.

As Code Administrator, NZQA expects schools to take responsibility for determining what is appropriate practice for their learners, including practice undertaken by any contracted third party.

Some key terms have changed:

Part 7 of the Code contains the 10 outcomes for international school learners. These 10 outcomes have been retained from the 2016 international Code and have had some terms and sections adapted to meet the 2021 Code framework and terminology.

There have been changes to some terms used frequently in the 2016 international Code (see table below).

Previous terminology	→	Current terminology
Agent	→	Education agent
Grievances	→	Complaints
International student	→	International school learner and International tertiary learner
Student	→	Learner
Student with special needs	→	Learner with additional learning needs

The term 'international school learner' or 'international tertiary learner' replaces 'international student' to differentiate between the tertiary and school Code requirements for international learners.

Other changes in terms include: 'additional needs' replaces 'special needs', 'education agent' replaces 'agent,' and 'complaints' replaces 'grievances'. These terms have been replaced to ensure consistency with the clauses in this Code and to align with other items of legislation relating to education.

Understanding the terms 'reasonable,' 'as far as possible/practicable,' and 'appropriate'

The Code outlines minimum process requirements under each outcome. Sometimes the Code specifies what is required, and at other times it requires signatories to work out for themselves and implement what is "reasonable," "practicable," or "appropriate", in accordance with the overarching Code outcomes.

The use of the terms 'reasonable,' 'as far as possible or practicable,' and 'appropriate' throughout the Code acknowledges that the approach to pastoral care for each international school learner may be different, depending on their age, ability and individual circumstances. Signatories are required to tailor their approach accordingly to meet the required outcomes of the Code.

NZQA's expectations for working out what is 'reasonable,' 'as far as possible/practicable,' and 'appropriate'

When determining what pastoral care practices are appropriate for their learners, NZQA expects signatory schools will undertake an effective self-review process and:

- work proactively with learners and other stakeholders to understand their needs
- use quality evidence, i.e.
 - input from diverse learners and other stakeholders
 - relevant quantitative and qualitative data (including from learner complaints)
- consider this evidence in light of the outcomes sought by the Code
- make robust, defensible, and documented decisions about what is appropriate and why.

An example: working out what is ‘appropriate’

Outcome 18, clause 75(1)(a) of the Code: *International school learners at risk or with additional learning needs* states “appropriate measures are put in place to address the needs and issues of international school learners at risk or with additional learning needs”.

Here, a school must determine what measures are ‘appropriate’. The school needs to consider its context, and the needs, issues, and desired outcomes of its learners. The precise approach (i.e. what the exact “measures” are) is up to each school to decide.

However, for NZQA’s monitoring purposes, the school’s decisions about what is ‘appropriate’ and what is not must follow the process outlined above. This evaluative, evidence-based approach should give a school confidence in its decision-making.

To work out what is appropriate in relation to this clause, a school could:

- work with the learner
 - e.g. understand the learner’s needs, what solutions would be relevant, appropriate and positive for them
- consider the learner’s profile
 - e.g. the learner’s age, ethnicity, English language ability, length of enrolment period to date, communication with parents (if under 18), history of risk or special needs, information previously given and existing support network
- determine what measures would address the needs and issues of this learner and who will implement them
 - e.g. counselling, extra tutoring, communication with nominated contact/next of kin/homestay carer, medical assessment, and change of programme
- assess whether the measures already put in place have been appropriate
 - e.g. identify, gather, and analyse evidence, which could come from information about the learner’s wellbeing, academic progress and achievement, feedback from learners, their peers, next of kin, wider staff members across the organisation and medical reports

- use findings to plan for and/or make improvements
 - e.g. findings may suggest the organisation needs to communicate with the learners earlier, add more information to orientation, upskill relevant staff members, routinely take notes at welfare monitoring meetings, seek professional medical advice, and identify more options for counselling support.

Protecting learners’ privacy

When applying the Code, schools have a responsibility to protect learners’ privacy and a legal obligation to comply with the Privacy Act 2020.

Key privacy considerations for schools include:

- having a clear and lawful purpose when obtaining, using and sharing learners’ information
- having transparent processes for obtaining, using and sharing a learner’s personal information
- gaining agreement from learners to collect their personal information
- informing learners on how personal information will be used and shared
- balancing a learner’s right to privacy with engaging proactively to offer support or connect them to services when needed.

Schools can contact the [Privacy Commissioner](#) or seek legal advice for further information and advice.

Administering the Code

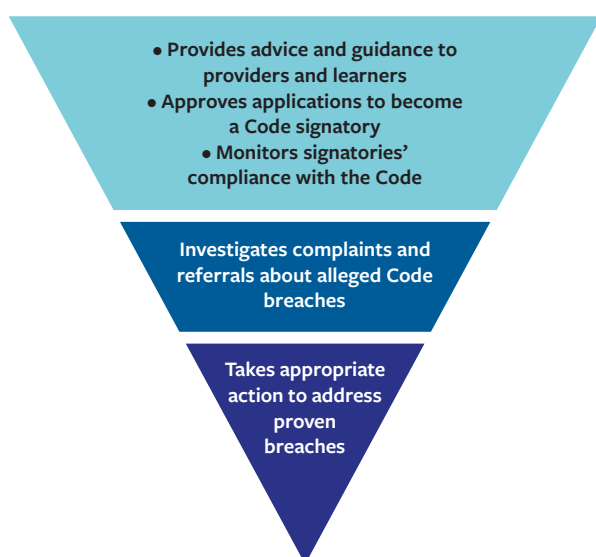
NZQA as Code Administrator

The New Zealand Qualifications Authority (NZQA) is the appointed Administrator of the Code.

NZQA is responsible for assuring that New Zealand qualifications are credible and robust, nationally and internationally, to help learners succeed in their chosen endeavours and to contribute to New Zealand society.

NZQA, as the Code Administrator, quality assures the implementation of the Code by providers to achieve the Code's purposes.

The diagram below shows the ways in which NZQA fulfils its role as Code Administrator, and the formality and frequency of NZQA's interactions with providers in relation to the Code. The focus for NZQA as Administrator is capability building and promoting provider-owned continuous improvement.



For the administration of the Code as it relates to universities, NZQA delegates some functions, duties and powers to the New Zealand Vice Chancellor's Committee (NZVCC, trading as Universities New Zealand (UNZ)). For more information, click [here](#). NZQA monitors the effectiveness of this delegation to ensure a consistent approach to Code Administration across the sector.

Quality assurance of pastoral care under the Code

Sector performance under the Code is verified by NZQA through a range of integrated quality assurance activities that are a part of [NZQA's Evaluative Quality Assurance Framework \(EQAF\)](#).



Self-review is the heart of quality assurance and includes the ongoing processes a provider uses to gain evidence of its own effectiveness in providing quality pastoral care for learners.

Under the Code, through the application of (Clause 89(4)(a)), signatory schools are required by NZQA to regularly complete a self-review to identify how well their practices achieve the outcomes required by the Code. For more information on effective self-review, click [here](#).

Schools must regularly attest to the Code Administrator or its delegate that they have completed a self-review of performance against the Code requirements. Self-review reports and other information may be requested and considered by the Code Administrator or its delegate as part of routine monitoring.

The Code is also monitored through NZQA's External Evaluation and Review (EER) process, Education Review Office (ERO) reviews, and Universities New Zealand (UNZ) reviews.

For more information on NZQA's Code monitoring activities and timeframes, click [here](#).

Investigating complaints, concerns and referrals

Within the regulatory framework for learner wellbeing and safety, there is a clear pathway for international school learners to raise concerns about their school's compliance with the Code.

In the first instance, learners should raise concerns about potential breaches of the Code directly with their provider. The Code requires tertiary providers to have effective practices to respond to learner needs, concerns and complaints.

If an international school learners' concerns/complaints are not effectively addressed by their school, learners can escalate the matter to NZQA or, if they relate to financial or contractual matters, the [Disputes Resolution Scheme for international learners](#).

NZQA, as Code Administrator, investigates complaints or referrals about potential Code breaches.

Anyone can make a complaint to NZQA about a signatory schools' performance under the Code, including a learner's representative or a group of learners.

NZQA may also be made aware of potential breaches of the Code through other means, such as the media, referrals from other agencies and its routine monitoring.

When NZQA receives a complaint or referral concerning a potential breach, the process it follows is:

- NZQA completes an initial assessment to determine whether the concerns fall within its jurisdiction and evaluates the credibility of the allegations. It then decides whether there are enough grounds for further investigation.
- If NZQA proceeds with an investigation, it does so according to the principles of natural justice to ensure the prompt, considered and fair resolution of the complaint. The signatory school is given the opportunity to respond to the concerns that have been raised.
- In some cases, a site visit may be necessary to view or gather evidence for the investigation.
- If a breach of the Code is proven, NZQA takes appropriate action. The level of formality of this action is proportionate to the seriousness of the breach.

Further information or advice

Contact NZQA at code.enquiries@nzqa.govt.nz or on 0800 697 296.

Visit NZQA's [webpage on the Code](#).

As the Code is implemented, NZQA will:

- gather queries and answers to produce regularly updated FAQs, which will be available on the NZQA website
- provide more detailed or targeted information based on queries and feedback from the sector
- update these guidelines as required.

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Marketing and promotion

Outcome statement

Signatories must ensure that the marketing and promotion to prospective international school learners of services provided by signatories includes clear, sufficient, and accurate information enabling those learners to make informed choices about the services provided.

Overview

The intent of this outcome is to ensure prospective international school learners and their families have a full and realistic picture of what it will be like to live and study in New Zealand, and in particular at your school.

This means supporting international school learners up-front with robust information, so they can make a sound decision about whether studying with you is the best decision for them. In addition to the benefits, international school learners will need to be aware of the costs they will face, the realities of day-to-day life as a learner at your school, and where relevant, what kind of employment opportunities they are likely to have during and after their study.

It is important that this information is regularly reviewed so it remains current and sufficient for your particular learners.

57. Process

57(a) Understanding the information needs of international school learners

Understanding the different information needs of international school learners will help signatories develop marketing and promotional resources to better support international school learners and their families make important decisions about their international education.

Some ways you might find out what information prospective international school learners require:

- interview current and potential learners
- survey your international school learners within the first few weeks of enrolment
- survey your education agents
- do your market research – i.e. Education New Zealand (ENZ) market information and Immigration New Zealand (INZ) data
- use information from social media (Facebook, WeChat, etc.) where appropriate.

57(b) Develop and provide information to prospective international school learners and review the information to ensure it is kept up to date

Ensure that you provide the minimum required information outlined in clause 57(c) of the Code (see below) and that you have a process in place to check that the information is current and relevant for your prospective international school learners.

Your particular international learners may need information over and above the minimum requirements of the Code. This is a decision you need to make as the signatory provider, based on what you understand about your international school learners' information needs from the data you have gathered. [See the section above on clause 57\(a\) for more information.](#)

Possible ways to provide information to international school learners:

- make short video clips showing your education school, staff and learners
- have an English as a Second or Other Language (ESOL) teacher check that your information
- is written in plain English and can be easily understood by non-native English speakers
- translate information into the languages understood by your prospective international school learners
- develop resources together with current learners or alumni
- share case studies from current learners or alumni.

Possible ways to review information to learners to ensure it is up to date:

- make a staff member responsible for regular review of the information
- check weblinks are working and any cost estimates are still accurate
- consider learner/parent/agent feedback about your information and revise as appropriate.

Resources

- [Immigration New Zealand \(marketing to international students\)](#)
- [Immigration New Zealand \(international markets\)](#)
- [Immigration New Zealand \(migrant exploitation\)](#)
- [Education New Zealand \(about living, studying and working in New Zealand\)](#)
- [Ministry of Education \(for parents\)](#)
- [Education Counts Statistics](#)
- [New Zealand NZ Ready](#)
- [New Zealand Now](#)
- [Consumers Guarantees Act 1993](#)
- [Advertising Standards Authority](#)

57(c) Required information for international school learners

Signatories must, as a minimum, provide information to prospective international school learners on:

- quality assurance results
- educational instruction, staffing, facilities and equipment
- the relevant Dispute Resolution Scheme (DRS)
- potential learning outcomes, including pathways for further study, employment and residency
- estimated study and living costs
- accommodation and transport.

How much information you provide about these areas is a decision you need to make based on your understanding of your international school learners' information needs.

57(c)(i) Quality assurance results

Make sure the quality assurance information on your website is easily accessible.

For example, link to your latest quality assurance review (ERO, EER, AQA, etc.) and direct international school learners to information that is relevant.

57(c)(ii) Educational instruction, staffing, facilities and equipment available to international learners

Provide information about the services and facilities included.

Consider including:

- information about approaches to educational instruction
- information about when a course might be cancelled and what will happen in that case
- information about staff working with international school learners, as appropriate
- if language support is available to international school learners and their parents
- information about education and other facilities such as sporting areas, cafeteria, etc.
- if there are additional charges for any services or facilities.

Information can be made available through:

- online links to your organisation's prospectus, brochures and website
- a virtual tour of your organisation's facilities, including extracurricular activities such as sports, drama and dance
- a Facetime/Skype/WeChat/WhatsApp/Zoom conversation between international staff and new international school learners.

57(c)(iii) The relevant Disputes Resolution Scheme (DRS) Rules

International school learners must be provided information about the DRS and how they can make a complaint through iStudent Complaints, the DRS operator.

See the section on Outcome 22 for more information.

57(c)(iv) Potential learning outcomes, including pathways for further study, employment and residency, where applicable

Learning outcomes include information on key competencies and graduate outcomes as well as education outcomes and qualifications.

Check that your careers and pathway advice is up to date. Provide appropriate advice and links such as Careers NZ.

Consider:

- whether your career options and pathways advice and support for domestic learners can be adapted for international learners
- if there is additional information you might need to provide for international learners who want to return to their home country to study and whether successful completion of your programme meets requirements for entry to further study in their home country
- additional pathway advice for international school learners moving from, for example, intermediate to secondary school, or secondary school to tertiary education.

57(c)(v) Estimated study and living costs for international school learners

As far as possible, provide relevant information to help potential international school learners and, if relevant, their parents understand the costs of living and studying in your region.

These costs may include:

- fees that are not refundable
- additional materials and equipment
- costs for having to resit examinations, if required accommodation (what is and is not included)
- leisure activities outside of school hours
- local transport.

The Department of Building and Housing website provides details of market rent based on bonds received by region: www.dbh.govt.nz.

57(c)(vi) Accommodation and transport

When developing information about accommodation and transport, consider:

Accommodation

- what types of accommodation are available and what standards to expect
- relevant aspects of your accommodation policies
- whether the accommodation must be assessed or approved.

Transport

- including your transport policies relating to international school learners
- including your transport policies relating to motor vehicles
- making information about public transport available to learners during orientation or at their pre-departure briefing.

Outcome 14

Managing and monitoring education agents

Outcome statement

Signatories must effectively manage and monitor their education agents to ensure that those education agents –

- (a) provide international school learners with reliable information and advice about studying, working, and living in New Zealand; and
- (b) act with integrity and professionalism towards prospective international school learners; and
- (c) do not breach the law or jeopardise the signatory's compliance with this code.

Overview

The intent of this outcome is to ensure that education agents always act with the utmost integrity and are clear about their obligations, and that you have robust management and monitoring procedures that ensure education agents provide international school learners and their families with the best possible information and support.

This means that your policies and processes must include education agent monitoring activities as well as the appropriate interim actions you will take should you discover misconduct by an education agent that is not serious enough to warrant contract termination, but nonetheless still requires management and a remedial response.

Good practice when using education agents

It is important that New Zealand provides international school learners with a quality education through an experience that meets and exceeds their expectations.

Education agents play a key role in achieving this goal, as they are often the first point of contact with international school learners and families and can greatly influence their enrolment decisions.

Signatories play a vital role by effectively managing and monitoring their education agents.

The guidelines below outline the minimum process requirements and provide some examples for practice.

58. Process

58(a) Reference checks

You must undertake and document reference checks on all potential education agents. You can seek verbal or written references. As a signatory, you need to decide the level of detail of reference checks sought and how many are appropriate.

Ensure that your systems for reference checking and recording are robust and that they give you the assurance that, as far as possible, the education agent is a trustworthy professional.

Reference checking is complete when you have sufficient information to be confident that the education agent will:

- provide quality advice to international school learners
- work with professionalism and integrity
- not breach the law or jeopardise your school's compliance with the Code.

References can be sought from a range of sources, i.e.:

- other signatories
- the learner's family
- NZ Government agencies
- past employers.

See [NZQA's Education Agents – Schools webpage](#) for more suggestions on reference checking and undertaking due diligence on education agents.

58(b) Written contracts

You must enter into a written contract with each education agent you engage to represent you and who offers a service for payment, whether it be for recruitment, accommodation, or another service.

A written contract sets out the terms and conditions for the partnership. The contract may be developed by you or the education agent. The written contract must be signed by both parties. Regularly check that your education agent contracts meet your requirements as a signatory. A robust contract will help ensure that your education agent acts in a way that supports the intent of this outcome.

Consider:

- seeking independent legal advice on any education agent contract, including templates
- whether to offer an education agent your contract or accept the education agent's contract
- a one-year probation period
- having expiry dates on your contracts. This will allow you to review your education agent's performance and discuss the services they have provided before deciding to renew the contract
- whether new/renewed education agent contracts need to be updated following the introduction of this Code, to ensure your education agents are aware of how they will be monitored and the consequences of any misconduct.

For more guidance on agent contracts, see [NZQA's Education Agents – Schools webpage](#).

58(c) Monitoring education agent activities and performance

It is important to have a policy and ongoing process for monitoring the performance of education agents you have contracted, according to the terms and conditions of the education agent contract, the requirements of the Code, and your education agents' other legal obligations.

As signatory, it is your responsibility to determine how you will monitor your education agents.

Consider, for example:

- gathering regular feedback about education agent conduct through surveys, meetings, and interviews with international learners, parents/legal guardians, residential caregivers, and/or staff
- developing a joint appraisal process with signatories using the same education agent
- reviewing the history of successful placements by the education agent
- assessing the education agent's engagement with your school to determine if future partnership is desired
- spot-checking the information provided by education agents to your learners
- having procedures in place for managing issues and complaints about education agents
- conducting annual performance reviews
- requiring education agents to provide evidence of good performance, for example:
 - vetting waiver authorising Immigration New Zealand to provide relevant data regarding the agent
 - their offers of place acceptance rate
 - copies of visa decline letters that the education agent has received
 - robust verification of learner documentation prior to submission to provider and/or INZ→ attend compulsory training programmes with your school or through an external provider (may be delivered online). For example, training on the Code requirements.
- requiring education agents to make formal declarations regarding, for example:
 - potential conflicts of interest
 - acting in accordance with the [New Zealand Immigration Advisors Licensing Act 2007](#) and with the [Code](#)
 - adhering to the ethical standards outlined in the [London Statement of Principles](#)
 - ensuring that any of your school's promotional material translated by the education agent is consistent with the English language version.

Monitoring activities are sufficient when you have gathered enough evidence to be confident that your education agents are performing as required.

As you monitor, keep the outcomes of the Code in mind to help you identify unhelpful or unethical behaviour.

Examples of questionable behaviour could include:

- transferring an international school learner to another signatory without a valid reason or for the purpose of obtaining additional commission
- producing materials with unsubstantiated claims. For example, regarding the right to live and work in New Zealand
- representing your school in a misleading or dishonest manner
- providing inadequate or unsafe accommodation
- not aligning the international school learner's needs to the programme and level of study.

Follow up immediately on any suspected misconduct identified through your monitoring or brought to your attention through other means.

58(d) Managing education agents

You must take action if you have evidence that suggests education agent misconduct.

Your management response will depend on the seriousness of the misconduct, the quality of your evidence, and the associated level of risk to your international learners. As signatory, it is your responsibility to determine which actions are appropriate based on the available information.

Action taken is appropriate if it gives you confidence that any risk to your international school learners, as regards the outcomes of the Code, has been mitigated.

If the education agent's misconduct meets the threshold outlined in clause 58(d)(i)a.&b., you are required to terminate the contract. Please note that there has been a change in the wording of this threshold compared to clauses in previous codes of practice. The threshold wording is now, "...if there is evidence which, *on balance of probabilities*, shows that..."

If you determine, based on the available information and any further investigation, that the education agent's conduct falls short of the threshold for contract termination, you need to take appropriate action to manage the education agent's performance and prevent future misconduct.

When deciding what action to take, consider:

- the education agent's track record
- the quality of your evidence relating to the alleged misconduct
- whether more information is needed
- the best interests of your international school learners.

Appropriate action may include:

- discussing the concerns with your education agent
- requesting a formal written response regarding the alleged misconduct
- clarifying the expectations of your education agent regarding their contract and the Code
- issuing a formal warning letter
- conducting a formal investigation
- following your internal grievance procedures
- outlining corrective measures for your education agent to action
- requiring your agent to upskill by signing up for more training
- setting a probation period with clear outcomes your education agent must meet
- terminating the agent's contract.



Resources

The following links may be useful:

- [Managing misconduct by an employee](#)
- [Managing disciplinary process](#)
- [Employment relationship problem resolution](#)
- [NZQA's Education Agents – Schools](#) (in particular, the section “Manage risk”)

58(e) Ensuring education agents have access to up to date information

The signatory-education agent relationship is two-way.

Ensuring your education agents have the information they need to understand their obligations is critical for enabling them to act appropriately.

You must support your education agents to meet their responsibilities as agreed in your contract with them by making sure they understand the expectations of your school and your obligations under the Code.

Regular checks of your processes and systems should assure you that your education agents have up to date, accurate information as agreed in your contract with them.

Consider:

- developing an education agent handbook that includes expectations for both the agent and the signatory
- sending regular newsletters to keep education agents informed of any changes, such as changes to your programmes or to government policy
- visiting your education agents to share information and get their feedback
- requesting that your education agents visit your school, so they know what their international school learners can expect
- offering regular training to upskill education agents so they can provide accurate, useful information to learners and where relevant, parents and legal guardians
- referring education agents to Education New Zealand's online tool for education agents, [AgentLab](#).

For more information and advice on supporting your education agents, see [NZQA's Education Agents – Schools](#) webpage.

Additional information on education agents' legal obligations

Licensed Immigration Advisers

Under the Immigration Advisers Licensing Act 2007 (the IALA), any person providing New Zealand immigration advice anywhere in the world must be licensed by the Immigration Advisers Authority, unless they are exempt.

There is a narrow exemption for offshore student advisers providing immigration advice in relation to student visas only. This exemption does not apply in New Zealand and does not allow an offshore adviser to provide advice to applicants, or secondary or related applicants, on any other visa type, including work, visitor or guardian visas. If an offshore adviser wishes to provide advice on both student and other visa types, they must apply for a license.

Immigration New Zealand is required by the IALA to refuse to process applications for visas that have been made by unlicensed advisers.

If learners or signatories know or suspect an education agent is providing immigration advice outside the scope of the exemption, the matter can be referred to the Immigration Advisers Authority.

Full details of the licensing regime are available from the Immigration Advisers Authority's website at www.iaa.govt.nz.

London Statement of Principles

New Zealand is a signatory to the London Statement of Principles. These principles promote best practice among education agents and consultant professions supporting international students.

They require education agents and consultants to:

- practice responsible business ethics
- provide current, accurate and honest information in an ethical manner
- develop transparent business relationships with students and signatories through the use of written agreements
- protect the interests of minors
- provide current and up-to-date information that enables international students to make informed choices when selecting which education agent or consultant to employ
- act professionally
- work with New Zealand signatories to raise ethical standards and best practice.

Education agents are required to abide by these ethical principles at all times. They provide a useful framework to support signatories in monitoring and managing the conduct of partner education agents.

[NZQA's Education Agents – Schools webpage](#) provides a useful overview of agents' legal obligations with additional links for your reference.

Outcome 15

Offers, enrolment, contracts and insurance

Outcome statement

Signatories must –

- (a) support international school learners (or the parents or legal guardian of international school learners under 18 years) to make well-informed enrolment decisions that are appropriate to the educational outcomes sought; and
- (b) ensure that international school learners (or the parents or legal guardian of international school learners under 18 years) have the information required to understand their interests and obligations before entering into a legally binding contract with a signatory; and
- (c) ensure that each contract of enrolment is fair and reasonable; and
- (d) ensure that any disciplinary action is taken in accordance with the principles of natural justice; and
- (e) ensure that international school learners have the appropriate insurance coverage, including insurance covering travel costs, medical care, and costs associated with repatriation, expatriation, and funeral expenses; and
- (f) ensure that proper documentation is kept and, where appropriate, provided to international school learners (or the parents or legal guardian of international school learners under 18 years).

Overview

The intent of this outcome is to ensure you have good systems and documentation set up to manage the offer, enrolment, contract, and insurance for each new international school learners, and that international school learners and their families are clear on their likely educational outcomes and their rights and responsibilities as an international school learner at your school prior to entering the enrolment contract.

61. Process 1: Offer of educational instruction

Ensuring that the educational instruction on offer is in accordance with the Act and is appropriate for international school learners' expectations, English language proficiency, and academic capability.

This process links with Outcomes 13 and 14 and related processes to ensure that the expectations of international school learners, and where relevant their parents/legal guardians, are well managed and lead to a successful international learner placement and experience.

The programme offered needs to be at a level that means the learner has a realistic chance of successful completion. Assess the academic capabilities and English language proficiency of all learners, and their career intentions, and determine if future intentions match the educational opportunities you offer.

This includes assessing the proficiencies of international school learners who have changed from one signatory to another.

You will need to ensure that any specific English language testing requirements set out in other legislation are applied. For example, that the *English language requirements for certain international students in the New Zealand Qualification Framework Programme Approval and Accreditation Rules 2018* are applied.

Ways to assess suitability for the programme offered:

- interviews with learners (these could take place offshore or via Skype or another form of communication)
- questions on the enrolment/application form
- through the admissions process (i.e. letters stating how the programme of study will contribute to the career intentions of the prospective international school learner)
- testing and assessment in skill requirements for individual subject areas

- assessment of English language ability
- the learner's academic record and attendance (and achievement) at previous schools and/or organisations in New Zealand should be examined and taken into account before the offer is made.

Ways to test for English language proficiency:

- 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 another signatory
- administer your own recognised language assessment
- request references.

As part of good practice, consider advising learners in writing:

- if they will be required to undertake tests prior to or on their arrival in New Zealand
- of the standard that must be achieved through testing at home or in New Zealand
- if programme placement, or programme placement at a particular level, is dependent on that testing
- the repercussions for international school learners if they do not reach the required standard.

62. Process 2: Information to be provided before entering contract

Signatories must provide at minimum the information specified in clause 62(1)(a-i).

62(1)(a) Recent results of evaluations by education quality assurance agencies

This can be made available through links on your website or in promotional and/or enrolment material and by extracting information from the relevant quality assurance report.

62(1)(b) Compliance notices

Information about compliance notices and conditions imposed under the Education and Training Act 2020 and the Code are publicly available on the statutory actions page on NZQA's website. NZQA may require a signatory to directly disclose this information to prospective international school learners.

62(1)(c) Education provided and its outcome

Provide relevant information about the qualification or programme the international school learner intends to enrol in, including opportunities to progress to further study or work.

Consider if information about the New Zealand education system and the New Zealand Qualifications Framework would be useful.

This information is available from the [Ministry of Education](#), [NZQA](#), and [Education New Zealand](#) websites.

62(1)(d) Refund conditions

The conditions under which refunds will be made must be clearly presented in the information that you provide to international school learners, their families or legal guardians.

This information can be included in the international learner offer/enrolment/contract, learner handbook, on your website and other documentation provided as part of the enrolment process.

For more detailed information on refund policies, please refer to outcome 20.

62(1)(e) Staffing, facilities and equipment

Decide which information is relevant to the programme an international learner is intending to enrol in and present an accurate impression of what it is like to study at your school.

Information about staff, facilities and equipment can be provided through:

- online links to your prospectus, brochures and website images
- photos and contact details of staff relevant to international school learners
- a virtual tour of your campus
- a Skype conversation between international staff and new learners, their parents or legal guardians, including where appropriate in the learner's first language.

62(1)(f) Available services and supports

International school learners require significant support during their study.

Consider when to advise international school learners about available services provided by your school or the community. For example, this could be in the information before they enrol, in their enrolment contract, during orientation, and/or during the period of their study.

Some ideas to consider:

- be clear which services are free-of-charge, only covered by insurance, or not covered by insurance so may incur additional costs
- it may be necessary to provide an explanation of what happens in some services, for example counselling services, if this is not commonly used in their home country. It may be appropriate to advise international school learners that there is no shame in accessing any of the available services and that doing so will not have any negative impact on their academic results
- some services, such as counselling, are confidential except for in certain circumstances (see bullet point below). Parents and legal guardians should be clear that this information may not be shared with them
- both international school learners and parents should be aware that certain information disclosed in a health or counselling appointment (such as the intent to harm oneself or others) will result in information being shared with appropriate third parties so that necessary steps can be taken to protect the international school learner and any other affected parties
- explain how to access these services, i.e. by making an appointment.

Additional support and services could include:

- advice on cross-cultural adjustment and settling into life and study in New Zealand
- learning support or additional private tutoring
- health and counselling services
- disability support.

62(1)(g) Insurance and visa requirements

Refer to Process 65 for insurance requirements and Outcome 16 for visa requirements.

You can advise international school learners about these requirements in the enrolment contract.

If an international school learner provides their own insurance in a language other than English from their home country and they are unable to provide a copy in English, you can ask the learner (or where appropriate, their parents or legal guardians) to declare in writing that the policy covers the requirements set out in the Code. You need to have confidence that parents or legal guardians understand Code requirements.

If you do not believe that an international school learner's insurance policy covers the requirements outlined in process 16D of the Code, you must ensure they purchase an insurance policy that does, before enrolling them.

For more information about insurance, refer to [NZQA's Insurance for international school learners](#) webpage.

62(1)(h) This code and the relevant DRS Rules

Refer to Process 65 for insurance requirements and Outcome 16 for visa requirements.

You can advise international school learners about these requirements in the enrolment contract.

If an international school learner provides their own insurance in a language other than English from their home country and they are unable to provide a copy in English, you can ask the learner (or where appropriate, their parents or legal guardians) to declare in writing that the policy covers the requirements set out in the Code. You need to have confidence that parents or legal guardians understand Code requirements.

If you do not believe that an international school learner's insurance policy covers the requirements outlined in process 16D of the Code, you must ensure they purchase an insurance policy that does, before enrolling them.

For more information about insurance, refer to [NZQA's Insurance for international school learners](#) webpage.

62(1)(i) Full costs related to an offer of educational instruction

Establish your own policy, procedures, and documentation for communicating costs related to an offer of educational instruction to parents or legal guardians prior to enrolment, to ensure that full costs are disclosed.

Be clear about the types of costs that are likely to be included and which are not, so that there are no hidden costs. For example: indicate incidental expenses and their estimated costs.

Signal prior to enrolment any additional fees for optional tuition or activities (i.e. music lessons, school camps, etc.), so that learners and parents or legal guardians if under 18 are aware at the outset.

Itemised invoices are an effective way to communicate full costs.

62(2) Rights and obligations information

Consider the rights and obligations of your international school learners and develop information about these.

The Code outlines some rights and obligations for international school learners. Elements of this information must be included in the enrolment contract itself ([see clause 63](#)). There may be additional rights and responsibilities you wish to make learners aware of.

Consider when in the marketing, recruitment and enrolment process you will provide the information.

Consider how to clearly communicate these rights and obligations to your international learners, and their parents or legal guardians if under 18, keeping in mind that English may not be their first language and that you are communicating across cultures.

See the sections below on [clauses 63](#), [64](#) and [65](#) for more information.

Information provided could include:

- international learners' rights in relation to receiving educational instruction from your school. For example, the right to instruction from a suitably qualified tutor/teacher/instructor
- their rights under this Code
- information and advice about relevant school policies
- your international school learners' obligations in relation to receiving educational instruction from your school. For example, your code of conduct or behaviour management plan.

63. Process 3: Contract of enrolment

The contract of enrolment between your school and each international school learner or their parent or legal guardian if under 18 must include the following information:

63(1)(a) Beginning and end dates of enrolment

Beginning and end dates of enrolment clarify the enrolment period, which is also the period for which the signatory has pastoral care responsibility for the international school learner under the Code. There are some exceptions to this relating to insurance obligations. [See the section on clauses 65\(2-3\) for more information.](#)

63(1)(b) Conditions for terminating the contract of enrolment

Make sure international school learners (and parents or legal guardians if the learner is under 18) understand the conditions for terminating enrolment. Explain your code of conduct or behavioural management plan and possible consequences of breaches clearly to your international school learner, and where required, their parents or legal guardians.

63(1)(c-e) Disciplinary actions and the process for termination of enrolment

Clarity regarding 'termination'

Clauses 63(1)(d) and 63(1)(e) contain additional requirements for including information on “*the type of disciplinary action short of termination of the contract of enrolment,*” and “*the process that the signatory must follow when seeking to terminate the contract of enrolment.*” Clause 64 now requires that termination of enrolment or disciplinary actions, “*must be in accordance with the principles of natural justice.*”

Make sure your international school learners (and parents or legal guardians if the learner is under 18) are aware of what the process will be when there is a breach of the contract of enrolment, including the process that your school will follow when seeking to terminate the contract of enrolment.

Your policies and procedures need to clearly explain what sort of disciplinary action you may take and in what circumstances, so that your international school learner (and their parents or legal guardians if the learner is under 18) is fully aware of any consequences.

This information must be made available to the international school learner and where required, their parents/legal guardians, and should be comparable with the policies and procedures you have in place for domestic school learners, as far as practicable.

Consider the following, for example:

- what is the disciplinary process and consequence for an international school learner caught doing something against the law, i.e. stealing?
- how does the learner’s individual needs, age and cultural background affect application of the standard procedures?
- will they have an opportunity to improve their behaviour through a behaviour management plan or for a probation period?
- is the severity of the action sufficient for your school to take a stronger approach? (i.e. move towards suspension and/or expulsion and contract termination)
- how will you document disciplinary action procedures for each individual case. This includes meeting times/dates, meeting notes, formal communications, emails and any other relevant information.

Schools can use the template provided by the Ministry of Education which includes procedures for disciplinary action, derived from the existing procedures for domestic school learners. Refer to the Ministry of Education’s [Good Practice Part I Legal Options and Duties](#) and [Good Practice for behaviour Part II Guidelines](#).

63(2) Ensure that the enrolment contract is fair and reasonable

A fair and reasonable contract of enrolment considers what is fair and reasonable to both parties. It has all necessary details upfront so there are no surprises. It allows for a considered common-sense and case-by-case approach to be taken to its interpretation and application.

64. Process 4: Disciplinary action

Any disciplinary action or termination of the contract of enrolment process that is taken by a signatory must be in accordance with the principles of natural justice (which include those necessary to ensure the prompt, considered, and fair resolution of the matter that is the subject of the action).

For examples of natural justice, refer to the Ministry of Education’s [‘Good Practice Part I Legal Options and Duties’](#).

65. Process 5: Insurance

Insurance The Code requires you to ensure “as far as practicable” that international school learners, including school learners travelling in a group, have “appropriate insurance” while enrolled with you for educational instruction of two weeks’ duration or longer. Clause 65(1) sets out the minimum requirements of this insurance.

During the period of enrolment (as defined in the international school learner contract) this obligation remains the same for all signatories, regardless of the type of visa held by the international school learner.

For international school learners studying with you for less than two weeks’ duration, there is no obligation on you as signatory to ensure any insurance coverage.

Recommendations for “ensuring as far as practicable”:

The Code does not specify processes that you must follow to comply with clause 65. Each signatory needs to confirm its own processes.

NZQA’s expectation is that “practices that ensure” will include processes for:

- checking that a learner has cover for the minimum clause 65 requirements
- clearly asking a learner (or their parents or legal guardians if the learner is under 18) whether they have any pre-existing conditions (to make sure that the insurance offered is “appropriate”. This question may also be asked by the insurance company)
- if a pre-existing condition is disclosed by a learner/parent, considering whether an additional premium can and should be paid to have the pre-existing condition covered and if so, determining whether the learner (or parents/legal guardians if the learner is under 18) should be required to pay this premium as part of their insurance (making sure the insurance is “appropriate” to the learner’s needs)

- advising all international school learners (or parents/legal guardians of international school learners under 18) of the limitations of their insurance policy (there are some things insurance policies do not cover, regardless of whether there is a pre-existing condition)
- making all international school learners (or parents/legal guardians of international school learners under 18) aware that they will be responsible for any costs not covered by insurance.

It is at your discretion to enrol an international school learner who has an exclusion on their medical insurance for a pre-existing condition.

However, if you choose to enrol an international school learner who has an exclusion on their medical insurance for a pre-existing condition, you must:

- ensure that the learner’s programme is appropriate for the learner. [See the section on clause 61 for more information.](#)
- have obtained written agreement from the parent or legal guardian of a learner about any decisions made that affect an international school learner under 18 years. [See the section on clause 66 for more information.](#)
- still meet the standard requirements of the Code as for any international school learner, including taking “all reasonable steps” to protect the learner’s safety and wellbeing ([see Clause 534\(2\)\(b\)\(i\) of the Education and Training Act 2020](#)).

In this instance, NZQA’s expectation is that “reasonable steps” will include:

- assessing any risk to be confident that there are appropriate measures in place to ensure that the learner will be well-supported in their study, have access to any additional support required as per clause 75 (“international school learners at risk or with additional learning needs”), and that the condition will not unduly impede the learner’s study
- making it clear to the learner (and their parents or legal guardians if they are under 18) that they must cover any costs arising from the excluded condition.

Such assessment by a signatory should form part of the offer of place process and should be clearly communicated to international school learners.

If learners travel to, from, or within New Zealand occurs outside the enrolment period (as defined in the learner contract), signatories must ensure “as far as practicable” that the travel is covered by Code appropriate insurance.

The intent of this clause is to ensure that international school learners have Code-appropriate insurance coverage from the day they leave their home country to the day they depart New Zealand to return home. This is to effectively manage risk to the safety and wellbeing of an international school learner embarking on study in New Zealand.

This intent is reflected in Immigration New Zealand's requirements for student visa holders.

For international school learners studying with you for two weeks or longer, who are student visa holders (or holders of other visa types whose primary reason for visiting New Zealand is study), it is expected that it will be "practicable", in most instances, for you to ensure that these school learners have Code-appropriate insurance for travel to, from, and within New Zealand, even if the travel occurs outside the enrolment period.

In an instance where it is not "practicable", you should document the steps you have taken to ensure "appropriate insurance" and at which point it was no longer practicable to do so and why.

For non-student visa holders, i.e. school learners who are holders of visitor, work, working holiday or other types of visas, and for whom study is not the primary purpose of visiting New Zealand, it is unlikely to be "practicable", in most instances, for you to ensure appropriate insurance for travel to, from, and within New Zealand outside of the enrolment period. Again, this aligns with INZ's requirements for holders of these visa types (see above).

66. Process 6: Decisions requiring written agreement of parent or legal guardian

U18 Written agreement from the parent or legal guardian of an international school learner under the age of 18 is required, where appropriate, for any decisions affecting the learner.

There are occasions when the permission of the parent or legal guardian cannot be obtained. In these instances, you should make clear to parents or legal guardians how you plan to inform them.

Examples where written agreement is required include:

- permission to go on school camps
- in an unexpected event, for example to re-locate the school learner or take them to hospital to seek urgent medical care
- changes to accommodation

Outcome 16

Immigration matters

Outcome statement

Signatories must –

- (a) ensure that they do not allow or continue to allow a person to undertake educational instruction if that person is not entitled under the Immigration Act 2009 to undertake the educational instruction; and
- (b) take reasonable precautions and exercise due diligence in ascertaining whether international school learners are entitled under the Immigration Act 2009 to undertake the educational instruction for which they enrol.

Overview

The intent of this outcome is to ensure signatories are confident that the international school learners they enrol meet immigration requirements to study in New Zealand.

This means that you are up to date with current immigration requirements and have robust processes in place for checking student visas prior to enrolment, monitoring student visa validity during enrolment, and reporting any suspected breaches to Immigration New Zealand.

68. Process:

68(a) Ensure that each international school learner who enrolls with the signatory has the necessary immigration status for study in New Zealand

Familiarise yourself with current immigration requirements

In order to know whether international school learners you are enrolling have the appropriate immigration status, you must be familiar with current immigration requirements for study in New Zealand.

Immigration requirements and questions relating to a learner's immigration status rest with Immigration New Zealand.

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](#).

It is your responsibility to ensure that relevant staff are up to date with immigration requirements for study in New Zealand.

As a minimum, you should be aware that:

- a student visa (or a limited visa granted for the purpose of study) is required for international school learners
- coming to New Zealand to study for more than three months. Study must be the main purpose of the visit
- a student visa is subject to conditions and any breaches must be reported to Immigration New Zealand
- visa conditions include, but are not limited to:
 - having sufficient funds for living and studying in New Zealand
 - attending classes at all times unless there are genuine reasons for any absences, and making satisfactory academic progress

- studying at the place of study specified on the student visa
- having acceptable insurance for the duration of the student visa
- working no more than the hours specified on the student visa (NB: year 12 and 13 school learners may apply for a variation of conditions with permission of the school to allow them to work up to 20 hours per week).
- living with a parent or legal guardian if required.

Checking and monitoring the international school learner's entitlement to study

Checking learners have the valid and appropriate visa prior to enrolment can be done in a number of ways, including:

- using [Immigration New Zealand's VisaView service](#)
- sighting the international school learners' visa in their passport.

When sighting the visa, check for the following:

- that the name of your school is the one stated on the visa
- that the dates on the visa are current
- that the learner is enrolling/enrolled in the programme and campus that is stated on the visa.

It is important to keep accurate records, including the following:

- a photocopy of the title page and the visa page of the learner's passport
- a copy of the VisaView enquiry results page
- a record of commencement and expiry dates of the visa
- a copy of the international learner's insurance policy.

You need to have processes in place to monitor the ongoing validity of your learners' visas during the period for which they are enrolled with you, to ensure that they continue to meet their visa conditions.

For example, processes to monitor international school learners' academic progress, attendance, and expiry dates of visas.

Immigration New Zealand may request evidence from signatories to confirm that their international school learners are complying with visa conditions.

**U18 Further information about
Guardian/Visitor visa conditions
(for international school learners
under the age of 18)**

If a parent is accompanying an international school learner for the sole purpose of education in New Zealand, the parent's visa must state the name of the dependent (international school learner) that the parent is responsible for while living in New Zealand. The international school learner must live with their parents (or legal guardians).

Schools can complete routine checks to see if learners are living with their parent/s and that they are still in New Zealand. Should a school find that a parent or legal guardian is no longer living in the home or has returned to their home country, they need to inform Immigration New Zealand, as well as continue to apply Outcome 18 of the Code to ensure the safety and wellbeing of the learner in question.

→ [See the section on clause 74 Process 3: international school learners under 10 for more information.](#)

68(b) Report suspected breaches to Immigration New Zealand

Known or suspected breaches of visa conditions by international school learners must be reported to Immigration New Zealand. If you suspect an international school learner has breached their visa conditions, contact Immigration New Zealand at educationproviders@mbie.govt.nz.

68(c) Notify Immigration New Zealand of terminations of enrolment

If an international school learner's enrolment is terminated before the end of the anticipated enrolment period, you must notify Immigration New Zealand by completing the termination of enrolment form on the [Immigration New Zealand website](#).

Outcome 17

Orientation

Outcome statement

Signatories must ensure that international school learners have the opportunity to participate in a well-designed and age-appropriate programme that provides the information and advice necessary for a learner at the outset of their educational instruction.

Overview

The intent of this outcome is to ensure that international school learners, and where relevant their parents or legal guardians, participate in a robust orientation programme developed to help them settle into life and study in New Zealand.

As part of your orientation programme, you are also required to provide information about the international school learner's rights and entitlements, including any entitlement to a fee refund if the learner voluntarily withdraws from your school. [See the section on clause 70\(1\)\(g\) for more information.](#)

There is also a requirement under Outcome 19 that you provide learners with information and advice on how to adjust to a different cultural environment in New Zealand. While this is not an explicit requirement for your orientation programme, you may wish to consider at which point/s in your learners' 'lifecycle' such information is best provided. As noted above, it may be that some cultural adjustment information is provided at orientation, as well as later in the enrolment period.

Good practice for orientation

- Orientation is not necessarily a one-off presentation – it is a programme that can run from before a learner arrives, through the first weeks, and possibly even months after they get here. There is a natural flow-on from the orientation period into the advice and support that you provide for the ongoing safety and well-being of learners.
- Learners are likely to need some information before they get here, so they can learn about what life and study will be like in New Zealand, and learn about the unique aspects of your institution, location, and community.

- Education agents also play an important role in orientation and support. They are often the main source of information for pre-arrival information, orientation, and support for learners. It is vital that you provide education agents with ongoing training and support, consider prescribed actions within education agent contracts, and have a process in place to gain feedback from learners around the information education agents provide.
→ [See the section on Outcome 14 for more information.](#)
- Learners may not be able to absorb the information at once. A good orientation programme will consider information overload. A planned approach where you “triage” the most important information and provide it at key points in time will assist learners to digest information. For example, information for the first few days after arrival might include navigating the airport, what to expect on the first day, who to contact for help, etc. You may consider giving the learner this information prior to arrival. You can then progressively give out more information as it becomes relevant.
- Tailoring orientation information to your particular learners is also important. For example, you may have short-term international school learners where issues such as homesickness may not be as relevant.
- Checking learners' understanding of information and putting in place ways to repeat important messages will help learners not only to cope with their study, but also manage the impact of living and studying in a culture foreign to them.

70. Process

70(1a) Providing information on institutional policies

As signatory, you need to decide which policies are relevant to your international school learners and to inform them accordingly.

Consider if your policies for domestic learners sufficiently include international school learners' rights and responsibilities, and if any amendments are required. You may need to develop new policies specifically for international school learners.

Make sure your international school learners have access to the relevant policies and remind them regularly, so they know where to find this information.

Some ways to ensure learners have access to policies:

- a policy list in learner handbooks
- send the policies with the offer/enrolment/contract
- have a policy folder in a central location for international school learners to access
- place your policies on your website.

70(1b) Providing information on services, support and facilities

Include services and facilities provided within your school, such as academic and pastoral care support, and how learners can access services and make the most of them.

Do your research and if relevant, include available community-based services your international school learners can access, including health and youth support services, sports teams, extra-curricular activities, careers support, religious groups, arts, music, and cultural clubs. This helps international school learners feel connected with the wider community.

Consider when, where, and how you provide this information, for example:

- on your website
- learner handbook
- in meetings with learners and parents
- social media.

70(1c) Providing names and contact details of designated staff members

Signatories are required to provide a 24/7 contact number for international school learners and their families in case of an emergency. See the section on Outcome 18 clause 72(e) for more information.

It is good practice for one or more senior staff members, who are experienced pastoral care practitioners, to hold and/or share this responsibility.

Ensure your international school learners understand what the emergency contact is for and give them some examples of when they should use it.

Be sure to define what an emergency is so they understand that the designated contact person is not the same as emergency services. Your international school learners need to know when to call 111.

Consider how you can effectively provide this information to learners, i.e.:

- lists on walls
- emergency cards
- in the learner handbook
- a mobile phone application
- on your website.

70(1d) Providing information on health and safety

The health and safety information you provide will depend on what is appropriate for your international school learners' age range and needs. You will need to make decisions about this and tailor your information accordingly.

Consider how you might:

- prepare international school learners for culture shock, such as New Zealand's different way of teaching, cultural norms and the emotional phases of change
- make sure that international school learners know there are health and safety support services available to them and how they can access these
- provide information about off-site health and safety services available to international school learners, and how to access these
- consider how international school learners can access the support they need, including language support
- develop staff awareness about learners experiencing culture shock, providing health and safety support, and the procedures to access these services, so they understand and can look out for the wellbeing of international school learners in their class.

Health and safety information might include:

- how to cope with culture shock
- available welfare facilities, including personal health services, mental health services, drug education and counselling
- water and road traffic safety, including pedestrian and cycling safety
- culturally appropriate behaviour in New Zealand
- sexuality education, health promotion, and sexual and reproductive health services
- relevant New Zealand laws, including laws on the sale of alcohol and tobacco products

Resources

The following links may be useful:

- [Water Safety New Zealand](#)
- [NZTA information for visiting drivers Drive Safe](#)
- [Tenancy Services](#)
- [Alcohol laws and penalties](#)
- [Sun safety](#)
- [Budgeting resources](#)
- [Sexual and reproductive advice for international students](#)
- [Earthquakes and other natural disasters](#)

70(1e) Providing information on complaints procedures

You must provide information about:

- your school's internal complaints procedures for raising concerns and/or making a complaint
- external complaints procedures, including how and when to contact iStudent Complaints (the dispute resolution scheme operator for the Code) or NZQA (the Code administrator).

This information is provided to ensure that international school learners understand how to raise concerns and/or make a complaint about your school.

This information could be provided in:

- your international school learner handbook
- offer of enrolment/contract
- your school's website
- posters displayed around campus

Resources

The following links may be useful:

- [Learner complaints about providers' compliance with the Code of Practice](#)
- Dispute Resolution Scheme operator, [iStudent Complaints](#)

70(1f) Providing information on termination of enrolment

This process relates to offers, enrolment, contracts and insurance in the Code for the conditions of termination and termination process. [See the section on Outcome 15 for more information.](#)

Consider:

- how you might help your international school learners (or parents or legal guardians if under 18) understand the circumstances and processes relating to the termination of their contract of enrolment
- your school's behaviour management policy or learner code of conduct and how this might relate to the international school learners' performance leading to the termination of their contract of enrolment

70(1g) Providing information on learner's rights and entitlements

Signatories must ensure that the fees paid by international school learners for a programme of study in New Zealand are secure and protected in the event of a learner withdrawal or provider's closure.

This information can be included in the international school learner handbook or offer of enrolment, or be made available before arrival, on arrival or during their enrolment.

→ [See the section on Outcome 20 for more information on managing withdrawal.](#)

U18 70(2) Ensuring that parents, legal guardians, and/or residential caregivers of learners under 18 have access to orientation information or the programme provided

This is a requirement to ensure that the relevant caregivers of international school learners are aware of the information that you have provided to learners, so that they can also support learners to find the information they need throughout their enrolment period with you.

The key words here are "has access to". Please note this is not a requirement to run a separate orientation for parents and caregivers of international school learners who are planning to live in New Zealand, to assist them to settle in to New Zealand. You may wish to support parents in this way, but it is not a requirement of the Code.

Consider, for example:

- the scope of orientation information required by parents, legal guardians, or residential caregivers. This will depend, for example, on the age of the learners and whether parents are accompanying the learner to New Zealand or living overseas.
- how to communicate effectively with parents whether in New Zealand or overseas
- how best to provide orientation information to parents, for example, over a period of time, in the international school learner's first language, and for individual situations
- to what extent you will help parents feel welcome, ensure they have access to good support while living here, and be able to make informed choices.

Outcome 18

Safety and wellbeing

Outcome statement

Signatories must –

- (a) provide a safe study environment for international school learners; and
- (b) provide adequate support for the wellbeing of international school learners; and
- (c) as far as practicable, ensure that international school learners live in a safe environment.

Overview

The intent of this outcome is to ensure that international school learners are safe and well while living and studying in New Zealand.

Good practice for safety and wellbeing

Cross-cultural awareness

Remember that your international school learners are away from home, in a different culture, a new environment, and may have limited English language proficiency.

Depending on their cultural background, international school learners may engage with support services and staff differently. Some will have no problem finding and accessing the advice, information, support and services they need, and which you readily provide. Others may be unfamiliar with, for example, appointment systems, or having to go to different staff members for different problems. Some learners will find it challenging to report to staff things they are unhappy about or struggling with, particularly if they view those staff members as being in a position of authority or think it may affect their academic grades.

Consider cross-cultural training for your staff to develop their competency and understanding of other cultures. Cross cultural training can be provided during staff meetings, as part of their professional development, at community meetings, or in a handbook about relevant cultures.

Be proactive

Look for signs of distress in a learner or if something is not right. Create a linked chain with all your staff, residential caregivers, the wider institution and community who are in contact with learners. Do not rely on just one support person. Involve teaching staff, residential caregivers, other learners/buddies, the local community. This allows the learner many opportunities to speak to someone. If someone then sees that something is not right, they will pass the information on to a person who can follow up. Signs of distress include unexplained absences, poor performance, displays of strong emotion, lack of engagement, and lack of response when contacted.

Age-appropriate support and learners here with family

The type and amount of guidance required is dependent on the age of the learner and their living arrangements. Accommodation arrangements need to be sustainable for the time learners are studying. Learners over 18 are considered adults and therefore while you can provide advice and support, decisions are ultimately those of the learners. A similar situation occurs for learners who are living with their parents. Learners who are living with family are likely to have more support than those who are new to the country and are alone. When thinking about the type and amount of guidance required, it is worth considering that international school learners over 18 are often more vulnerable than domestic learners over 18 OR of the same age.

Expect the unexpected

Unexpected issues, particularly if they involve the mental health of the learner, may require time and specialist resources. Some situations may become challenging when they are not “extreme” enough to pass to an agency but are still a major issue for you to manage.

Factor this into your staffing and resourcing of provision for international school learners. Consider what additional support your international school learner staff may need when dealing with international school learner issues to ensure that roles are safe and sustainable.

72. Process 1: General

72(a) and (b) Managing inappropriate behaviour
Signatories must develop and implement policies and procedures so that instances of inappropriate behaviour by, or impacting on, international school learners are dealt with fairly and effectively.

It is important for all staff in your school to be aware of the channels to follow when working with an international school learner who may need support with unsatisfactory conduct.

When there is a serious issue, it is important that staff in your school know who to contact and who can support the international school learner. For example, it is good practice if the designated staff member in charge of international school learners under 18 in your school is known to all staff.

Check that your behaviour management policy and procedures are:

- fair and effective
- communicated to staff
- communicated to international school learners (and if under 18, their parents/legal guardians)
- implemented as planned.

Outcome 15 requires signatories to clearly communicate behavioural expectations and disciplinary procedures in the international school learner enrolment contract and again at orientation.

See the sections on clauses [63\(1\)\(b-e\)](#) and [70\(1\)\(a\), \(d\)&\(f\)](#) for more information.

Consider ways to help learners:

- understand what is considered inappropriate behaviour in your school
- understand the possible consequences of inappropriate behaviour, especially if these are conditions for termination of enrolment
- know where to go to get support if they are being bullied
- understand the avenues they can use if another learner's behaviour is impacting on them.

Some ways you might find out what information prospective international school learners require:

- interview current and potential learners
- survey your international school learners within the first few weeks of enrolment
- survey your education agents
- do your market research – i.e. Education New Zealand (ENZ) market information and Immigration New Zealand (INZ) data
- use information from social media (Facebook, WeChat, etc.) where appropriate.

72(c)(i) Advising learners how to report and address health and safety issues

Think about the information your international school learners will need to identify, report, and address health and safety issues.

Consider the structures and systems you have in place for reporting and addressing health and safety issues for domestic learners. Some of these will need to be adapted for international school learners.

For example, what is the process if an issue arises at a homestay?

Other suggestions on how you can meet your international school learners' needs:

- provide an orientation programme for your staff, homestay and the community
- include information about how to support international school learners
- consider the developmental needs of younger international school learners that may require increased sensitivity because their parents are not available
- include information about ways to report and/or address potential risks in living in a new culture and away from home, such as becoming involved in higher risk personal relationships due to feelings of loneliness, and the potential for experimentation with alcohol and drugs.

72(c)(ii) Advising learners on how to respond to an emergency

Provide your international school learners with the information they need to respond to the types of emergency likely to occur on or off campus.

It is good practice to have critical incident plans to respond to different types of emergencies. Procedures for critical incidents and emergencies need to meet the needs of your international school learners and their age group. This includes providing first language support, where necessary.

A designated international school learner staff member should be part of the critical incident team to represent the needs of your international school learners. Critical incident plans should be reviewed regularly.

When developing a critical incident plan, consider:

- what emergencies might occur in your context
- how you can prepare your international school learners to respond in an emergency
- what information they need about how to respond in an emergency
- how to communicate this information to your international school learners. For example, an emergency pocket card can be given to international school learners to ensure they have instant access to emergency contact information and phone numbers.

Signatories can contact the Ministry of Education's 24/7 crisis team in the case of a critical incident.

The Ministry of Education's crisis team will advise signatories on the steps to be taken.

Developing a critical incident plan that covers all situations can be difficult. Plans need to cover a lot of details and have processes to connect to external agencies such as insurance companies, hospitals, embassies, government agencies, etc.

You will also need to keep in mind that incidents may end up including the whole school, for example if media is involved, if an embassy or high commission liaison is required, or if there is a need for victim support.

Resources

For guidelines for dealing with emergencies and traumatic incidents see [Ministry of Education advice](#).

72(c)(iii) Advising learners on how to access health and counselling services

You might consider:

- adapting the ways your services are accessed to meet your international school learners' needs and approaches, for example having an open door, drop-in policy instead of an appointment system
- working with external providers so your international school learners have accurate information about how to access their services
- checking if your international school learners' insurance provider will cover counselling services
- how best to communicate information to your international school learners. For example:
 - first language support
 - during orientation
 - in your international school learner handbooks, prospectus and website
 - a tour of your school to show learners where these services are located if available on site
 - through regular academic and welfare monitoring meetings.

Services can include:

- health (school nurse or medical centre after-hours medical and disability services)
- peer support
- pastoral support (international school learner advisors, deans, first language support person)
- counselling and mental health support – www.mentalhealth.org.nz/home/our-work
- external agencies, including community ethnic groups to assist international school learners adapt to New Zealand culture and way of life.

It is good practice to make clear to parents or legal guardians of learners under 18 years that counselling services are confidential unless a learner is at risk to themselves or someone else.

72(c)(iv) Advising learners on how to engage with relevant government agencies

Consider keeping a list of key contacts for government agencies that can assist if there are any concerns about your international school learners.

If appropriate, have processes in place to support your international school learners (and their parents or legal guardians if under 18) to contact these agencies.

Consider organising a meeting with the local community police constable for new international school learners.

72(d) Have up-to-date contact details for each international school learner and their next of kin

Check regularly that the information you collect from your international school learners is up to date.

Contact information includes names, contact details in New Zealand and in their home country, passport number, national ID number and insurance and visa information.

It is good practice to hold paper copies of this information in multiple places both off site and onsite, in case of an emergency

72(e) Ensure that at all times there is at least one (1) staff member available to be contacted by an international school learner in an emergency

The Code requires that you have at least one staff member available to be contacted at all times by international school learners in an emergency.

Good practice for a 24/7 emergency contact includes:

- sharing the responsibility between several senior and experienced staff members
- ensuring they know where to get information, who to contact and what needs to be done in case of an emergency
- being clear with your international school learners about the types of situations they can use the 24/7 school emergency contact, and when they need to use national emergency services (111)
- thinking about the best way to give the 24/7 contact number to your learners so they can access it in an emergency
- deciding if it is helpful and possible for learners to have an 24/7 emergency first language contact person.

73. Process 2: International school learners under 18 years

U18 73(1)(c) *Maintaining effective communication*

Suggestions for good practice:

- have a communication plan in place to ensure timely and appropriate communication with parents/legal guardians and if relevant, residential caregivers so they are kept informed about the learner's well-being and progress in study
- consider the type of information you will communicate about, i.e.
 - general progress – school reports, newsletter/emails of the school's events
 - success of the accommodation placement and any changes to placement
 - how the learner is settling in
 - learner holiday and travel arrangements
 - illness and emergency situations
 - concerns and complaints, including absences and non-completion of work
- consider the frequency of your communications with all parties. How regularly is enough to ensure the communication is effective, i.e. ensures the learner is safe and well? Parents of very young international school learners may want to hear from signatories more often
- note that parents of international school learners are entitled to the same progress information that is required by school policy for domestic learners. This includes school reports and other progress information. You could send reports to parents directly, and/or to the education agent and residential caregiver, where appropriate
- discuss and agree communication options before enrolment as part of the enrolment package to eliminate any misunderstandings. For example, some parents prefer it if the signatory communicates through their education agent; others prefer signatories to contact them directly

- in your written agreement with the residential caregiver, consider your expectations of how and when they should communicate information to you, and how you will communicate any important information to them. For example, attendance issues, homesickness, health issues, etc. make sure parents and legal guardians are aware of the role of the residential caregiver and that information may be shared in order to ensure the learner is safe and supported outside of your school. If necessary, this could be established in the learner contract or homestay agreement
- consider privacy and other relevant laws in all communications. Have a plan in place for communicating with parents or legal guardians when something goes wrong. Always keep the best interests of the learner in mind.

U18 73(1)(e) *Designating at least one (1) staff member to monitor learners under 18*

For some providers, there may need to be several staff with this responsibility.

Factors to consider when assigning staff members to monitor the needs of international school learners include:

- number of international school learners in the school
- ability to communicate with international school learners
- frequency of intakes per year and orientations required
- age of learners
- the home country and culture the learner has come from
- type of accommodation.

Consider how you can resource and support this role.

International school learner needs for pastoral care can be unpredictable and can happen outside your school's teaching time.

73(1)(f) Transfer of care, for the learner who is in the care of a residential caregiver

Transfer of care applies to international school learners between 10 and 18 years in the care of a residential caregiver. Transfer of care does not apply to international school learners under 10 years of age, who must live with a parent, legal guardian or in an approved school hostel.

A transfer of care arrangement may be to the learner's parent, legal guardian or another person nominated by the parent or legal guardian.

Ensure that a plan is in place for the transfer of care of the learner, for each transfer that occurs during the period of enrolment and for the transfer that occurs at the end of enrolment.

You might consider the following when arranging transfer of care:

- what needs to be included in the plan, i.e.:
 - flight bookings
 - arrangements for getting your international school learner to the international airport
 - travel arrangements for international school learner from his/her residential caregiver to the nominated approved person
 - being clear who is responsible for the pastoral care of the learner and at what stage
 - including an additional section in the enrolment contract relating to transfer of care
- identifying the basic criteria for any named person approved for transfer of care, which could include:
 - being 18 years or over
 - being known to the learner and the parent or legal guardian
 - agreeing to take responsibility for day-to-day pastoral care during the agreed period
 - agreeing to communicate regularly with the residential caregiver and/or your school during the agreed period. For example, email, text, phone call, WeChat, etc.
 - alerting parents if you suspect that the nominated person they have approved does not meet the agreed criteria, or if there are any other concerns regarding the transfer of care
 - keeping a dated, written record of all communication.

74. Process 3: International school learners under 10 years

U10 *74(1) International school learners under 10 years must live with a parent or legal guardian, unless they are accommodated in a school hostel*

All international school learners under 10 years of age enrolled with a signatory must live with a parent or legal guardian, or in an approved school hostel, for the length of their enrolment.

This applies to all international school learners, whether they are here long-term or for a short-term visit as part of a group.

→ See clause 5 for the definition of a legal guardian. To become a legal guardian, the person must be appointed by court or testamentary appointment. Relatives or designated caregivers are not the same as legal guardians.

A list of approved hostels can be found with the Ministry of Education. Please contact them at hostel.licensing@education.govt.nz

Your systems need to ensure that any international school learner aged under 10 is living with a parent/legal guardian during their enrolment. Parents cannot be absent, for example travelling in New Zealand or returning to their home country while their children are here at school.

Ways to monitor that the learner is genuinely living with their parents:

- always request proof of legal guardianship. As required, seek legal advice on the authenticity of any documents
- introductory visits by school staff to the home to establish contact
- as part of the learner's enrolment, check to see what type of visa the parents hold. In cases such as this, most parents will hold a 'guardianship visa'. Their visa should cover the same period as their child's visa
- ensure the enrolment contract clearly outlines conditions for enrolling under 10-year-old learners and the school's process if a parent has to leave the region or country but leave the learner behind. Parents should be aware of these conditions before enrolment so there are no misunderstandings
- invite parents into the school to make them feel welcome
- ask international school learners' teachers to tell you if they suspect that the parents are absent or if they notice someone else is bringing the international school learner to school
- ask teacher(s) to let you know of any information in learner's work indicating that the parents are not at home
- check the parents' signature on notes or homework sent home
- check that parents attend learner/teacher interviews.

Any actions taken by the school need to have the safety of the young international school learner as the number one priority.



Resources

See further examples of good practice in the [NZQA's Code resources for school signatories](#) webpage.

75. Process 4: International school learners at risk or with additional learning needs

The Code clause 75 uses the term ‘learner with additional needs’ this is an expansion of **disabled and disability** from clause 5 and elaborated on in clause 75.3.

A learner with additional learning needs includes a learner who –

- (a) is a disabled learner; or
- (b) experiences other difficulties which affect the learner’s ability to participate, learn, and achieve; and
- (c) requires the provision of adapted programmes or learning environments, or specialised equipment or materials to support the learner to access the curriculum, participate, learn, and achieve.

75(1)(a) Ensuring that appropriate measures are in place to address needs and issues

Determining which measures are “appropriate” is a decision that you need to make as signatory, based on your particular at-risk or additional learning needs learners and their context.

Under the Code, you are required to ensure the right measures are implemented, and to check their appropriateness through your ongoing processes of self-review.

Sometimes you will identify at-risk or additional learning needs learners prior to enrolment. Other times unexpected issues will arise for learners during the enrolment period.

When determining which measures are appropriate, consider:

- drawing on and adapting the policies, processes, and resources that you already have in place for at-risk or additional learning needs domestic learners
- the age, maturity, and cultural/linguistic background of the learner
- whether the issues were disclosed by the learner/parents/legal guardians prior to enrolment, or whether they have surfaced
- what your enrolment contract says about such needs and issues arising, particularly in a case of non-disclosure
- the length of time the learner has been enrolled with you

- the longevity of the issues and whether things are improving or deteriorating
- your school’s capacity to provide the required support to the learner
- which measures may need to be provided by external parties
- whether there will be an extra cost for the measures and who will pay (NB: international school learners are not usually eligible for Ministry of Education’s Special Needs Funding)
- how you should communicate with the learner, relevant staff, other agencies, the learner’s parents/next-of-kin, residential caregivers, etc., in accordance with the principles of the Privacy Act 2020
- how you will document the case, any communications, and the measures undertaken and their effectiveness
- at which point a deferral or termination of enrolment may be the best course of action
- providing supervision and mental health/wellbeing support for staff involved in supporting learners at-risk or with additional learning needs. At times, this can be very stressful
- ensuring that no staff member acts in silo when dealing with at-risk learners, and that serious cases are handled by senior and experienced staff.

Resources

The [Mental Health Foundation](#) website offers some valuable support in relation to mental health.

75(1)(b) and 75(1)(c) Informing parents, legal guardians, or next of kin and reporting issues to relevant agencies

For all learners, but especially those aged over 18 years, consider how much information you need to communicate to their parents or next-of-kin.

Ensure all communications comply with the Privacy Act 2020. There may be different requirements for learners aged under and over 18.

If possible, communicate with your parents/legal guardians or next-of-kin as soon as issues come to your attention. Keep them informed as the situation evolves.

Good practice considerations:

- check that you have procedures for escalating issues
- staff and residential caregivers should be informed of the process
- before reporting on the issue, check your obligations under the Privacy Act 2020. Consider if the learner wants the issue reported and try to obtain the learner’s consent before any personal information is disclosed, even if reporting is mandatory.

Good practice for accommodation

Scope of signatory responsibility for accommodation

The scope of responsibility around accommodation depends on the age of the learner, the type of residential caregiver, and whether accommodation has been organised by the signatory, by the learner themselves, or through a third party such as an accommodation agent.

If using an education agent, you must ensure that the agent is compliant with the Code.

If you have arranged accommodation, no matter what the age of the learner, you are responsible for ensuring that the accommodation is fit for purpose.

What to look for to ensure safe and acceptable accommodation include:

- level of safety and security
- location
- standard of bathrooms and other facilities
- standard of cleanliness
- temperature and heating
- appropriate bedroom furniture
- appropriate linen and bedding
- study desk and chair with adequate lighting
- provisions for emergencies, i.e. first aid supplies, smoke alarms
- whether the physical and emotional environment is safe for the learner.



Resources

See further examples of good practice in the NZQA’s Code resources for school signatories webpage

Learners aged under 18

76. Process 5: Accommodation

U18 *76(1)(a) The international school learner’s accommodation is safe, is in acceptable condition, and meets all regulatory and legislative requirements*

Suggestions for good practice:

- include home visits and accommodation requirements in the residential caregiver agreement
- explain your home visit expectations to parents of international school learners in case they want to designate a caregiver
- visit learner accommodation at planned intervals to ensure the accommodation provided is maintained at an acceptable standard. [See the section above on “What to look for to ensure suitable accommodation” for more information.](#)
- visit the accommodation while the learner is present to gauge the interactions between the learner and the residential caregiver
- request a declaration from residential caregivers that their home meets all relevant legislative requirements so that this can be used as evidence that living conditions are deemed safe. Spot-check this at a visit
- ask about accommodation at scheduled or informal meetings with learners to monitor issues arising
- keep good records and document your visits so that you have evidence of your practice when undertaking self-review or should any grievances arise.

U18 *76(1)(b and c) Safety checks and appropriate checks are completed and up to date*

Safety checks are required for all residential caregivers at least every three years, except for in the case of temporary accommodation (short-stay visits) when the supervisor meets the requirements under 77(2) of the Code:

- the residential caregiver is a supervisor
- is not a resident of New Zealand
- is travelling with and accompanying the international school learner for the purpose of supervising him/her during the learner’s educational instruction.

Safety checks are to protect your international school learners, as far as practicable.

These requirements mirror the safety check requirements under the Children's Act 2014.

Take a risk-based approach to safety. Consider the kinds of risks learners may be exposed to and how they can be protected.

All information obtained during the safety check process is confidential.

Processes must be in place to protect the privacy of participants, including any information obtained through the police vetting process.

Appropriate checks are also required at least every three years for any person aged 18 or over who resides at a residential caregiver's accommodation if that person is temporarily residing there, or if they reside there for 5 or more consecutive nights in any month.

When determining whether a check on other residents aged 18 and over is 'appropriate', consider:

- what checks to carry out for people 18 years or over residing at the residential caregivers to ensure the safety of international school learners
- whether the components of the full check are appropriate, including the measures you already have in place
- applying the full safety check to start with and then reducing the components of the check once you have a more practical sense of what is enough to give you assurance
- that an appropriate check of a person 18 years or over who lives with the residential caregiver may not be at the same level as for a residential caregiver.
- developing a clear school policy on safety checks and appropriate checks for all staff to follow.

U18 *76(1)(d) Written agreement with the residential caregiver*

Signatories are responsible for ensuring there is a written agreement in place with each of its residential caregivers who are accommodating learners aged under 18.

The written agreement (or contract) must specify the role and responsibilities of each party in relation to the care of the international school learner so that both parties are clear about where their responsibilities lie.

Good practice suggestions:

- make sure the residential caregiver is aware of your expectations when caring for an international school learner. For example, the level of support they are expected to provide for the international school learner, which might include taking the learner to a doctor, helping them to integrate within their communities, the sort of meals they need to provide (and how often), etc.
- expectations on how and when to communicate with your school. For example, if the residential caregiver notices a change in behaviour with the learner such as staying in bed longer than usual, not eating, or an event that may impact on the learner's well-being, etc.
- outline the school's processes, for example school permissions, transfer of care arrangements, etc
- expectations of when and how often the residential caregiver will be paid
- outline what the learner is responsible for. For example, payment of personal products, extra snacks, etc.
- provide information of what you expect the residential caregiver to ideally provide for the learner. For example, their own room, a bed, desk, unlimited internet, house key, smoke alarm in their room, laundering clothes, etc. Here your expectations may be informed by learner and parent feedback you have gathered

- consider holding residential caregiver workshops/evenings to ensure all residential caregivers are clear about what to expect of your school and your international school learners. It is also a good opportunity for residential caregivers and, if appropriate, your learners to meet one another and offer support
- consider developing a residential caregiver handbook that can be shared with international school learners, their families, and education agents so everyone is aware of expectations.

U18 *76(1)(f) Learner interviews and home visits to monitor and review the quality of residential caregiver*

Some suggestions for practice:

- consider what systems you need to have in place for effectively and efficiently monitoring and reviewing the quality of residential care for your international school learners aged under 18
- consider whether you will interview learners or visit the home first
- consider whether the home visit will be planned or spontaneous, i.e. whether you will give the caregiver lots of notice or short notice. You may need to outline your home visit process in the residential caregiver agreement to manage expectations
- there is no set approach to learner interviews, which could be conducted in person, over the phone or by video chat
- when interviewing:
 - use an interview template so you ask the same questions each time and gather baseline data. This will help you to identify trends at particular residential caregivers and about your learners in general
 - ask open-ended questions or prompts that allow the international school learner to open up and provide the information you need. For example, “Tell me about... your room/your sleep/the food you are eating/how you spend the evenings, etc.”

- remember to keep the language plain and simple, to ensure learners who are speakers of other languages understand what you are asking
- remember that learners from some cultural backgrounds will not tell you immediately or directly if there is a problem. You may need to ask the same question in several different ways throughout the interview. Be prepared for some learners to tell you about big problems only at the very end of the interview! If possible, allow extra time for this
- have a documented process in place to follow when discussing accommodation, so you can file notes to refer to later as required
- refer problems to the appropriate staff member, service or agency
- follow-up any serious concerns immediately

U18 *76(1)(g) Written agreement that the designated caregiver is subject to the signatory's approval and clarification around responsibilities*

Designated caregivers are relatives or close family friends designated in writing by a parent or legal guardian of an international school learner under 18 years as the caregiver and accommodation provider for that learner.

A committed and ongoing relationship between the international school learner's family and the designated caregiver is an important element of a successful designated caregiver placement.

Parents and legal guardians must also agree in writing that the designated caregiver is subject to the signatory's approval – not only at the outset of the arrangement but their continued approval throughout enrolment – and that the signatory is not responsible for the international school learner's day-to-day care when the learner is in the custody of the designated caregiver.

As with all other types of residential caregiver, safety checks and appropriate checks for designated caregivers and anyone aged over 18 residing with them, must be completed and up to date before signatory approval is given.

Ensure there is flexibility to remove international school learners from a designated caregiver if Code requirements are not being met. For example, you could include scheduled home visits as a condition of the written agreement

U18 *76(1)(h) If the learner's residential caregiver is a supervisor: written agreement to clarify responsibilities*

You will need to have a process to ensure that the parent or legal guardian of the learner has provided written agreement that the signatory is not responsible for the learner's day-to-day care when the learner is in the custody of a supervisor.

U18 *76(1)(i) Appropriate separation of international school learners from others of different ages in the accommodation*

This relates to the safety of international school learners in their accommodation and clarifies that they must be appropriately separated from anyone of a different age, regardless of whether those people of different ages are also learners.

Consider:

- checking the sleeping arrangements in the house during your learner interviews and homestay visit
- asking a set of questions when interviewing your international school learner to prompt information that gives you confidence the learner feels safe in their accommodation.

U18 *76(1)(j) Appropriate supervision in the accommodation*

New Zealand laws relating to appropriate supervision of children aged under 14 also apply to international school learners aged under 14.

Signatories should consider, discuss and agree expectations regarding, for example, what happens if the residential caregiver wishes to go out or away without the international school learner. These expectations can be clarified in the written residential caregiver agreement.



Resources

You may find the following links useful:

- [Hosting International Visitors Guidelines](#)
- [Hosting Short-Term International Visitors](#)

76(3) International school learners 18 years or over who live in accommodation provided or arranged by a signatory

Signatories are responsible for ensuring that the learner's accommodation is safe, is in acceptable condition, and meets all regulatory and legislative requirements. They are also responsible for maintaining effective communication with the learner when accommodation issues arise.

→ [See the section on clause 76 for more information.](#)

76(4) International school learners 18 years or over who arrange accommodation for themselves

You must ensure that international school learners aged 18 or over who are arranging accommodation for themselves are directed to relevant information and advice that will enable them to understand their rights and obligations as a tenant in New Zealand.

It is your responsibility to determine the specific advice and information needs of your learners in relation to this clause.

Some suggestions for advice and information include:

- New Zealand tenancy laws
- local rental costs
- Disputes Tribunal
- day-to-day aspects of independent living
- thinking and planning ahead
- realistic expectations for how easy/difficult it will be to find accommodation
- realistic perspective of distances and transport links
- the likelihood of needing to secure temporary accommodation.



Resources

New Zealand laws to note:

- [Care of Children Act 2004](#)
- [The Children's Act 2014](#)
- [Tenancy Services](#)

You may find the following links useful:

- [Trademe](#) and [Realestate](#)
- [Disputes Tribunal](#)
- [Information about accommodation for learners in Auckland](#)
- [Information about accommodation for learners in Hamilton](#)
- [Information about accommodation for learners in Wellington](#)
- [Information about accommodation for learners in Christchurch](#)
- [Information about accommodation for learners in Dunedin](#)

77. Process 6: Safety checks and appropriate checks

Police Vetting

For information about police vetting, please visit the New Zealand Police website [NZ Police Vetting](#).

The Police do not support or encourage signatories sharing the outcomes of police vetting checks with other signatories, even with the residential caregiver's consent. If the residential caregiver has been given the outcome of their police vetting check, they may choose to share it.

Signatories should be mindful that police vetting checks are conducted at one point in time and do not future proof a residential caregiver.

As the full safety check is required every three years, you might consider that your residential caregiver agreement requires the caregiver to advise you during the three-year period if they, or anyone else who lives in their residence, has at any point any criminal charges or pending criminal charges against them, what that charge is, if they are on bail or are found guilty of an offence.

Risk assessment

You will need to work out what information is needed to undertake a risk assessment of each residential caregiver. Consider potential risks to international school learners in their living environment and what information would help you to identify those risks.

Factors to consider in a risk assessment include, but are not limited to:

- the residential caregiver's availability to provide support in the case of an emergency
- their ability to provide empathy
- their cultural awareness
- their ability to manage any difficulties that may arise their ability to communicate effectively, verbally and in writing.

Safety checking requirements do not apply to non-resident temporary supervisors. [See the section on clause 77\(2\) for more information.](#)

If the learner's residential caregiver is a non-resident temporary supervisor, signatories must have a written agreement from the parent or legal guardian if under 18, that the signatory is not responsible for the learner's day to day care when the learner is in the custody of that supervisor.

Outcome 19

Learner support, advice and services

Outcome statement

International school learners are fully informed by, and receive relevant advice from, their signatories on services to support their educational outcomes.



Overview

The intent of this outcome is to ensure that learners have the information they need to access relevant advice and services, in order to successfully live and study in New Zealand.

The emphasis of this outcome is on information provision, as opposed to service delivery.

It should be read in close conjunction with Outcomes 17 and 18. Much of the information from your orientation programme will flow into ongoing learner support, advice and services, which includes safety, wellbeing, and accommodation processes.

79. Process

79(a) Ensuring information is accurate, age-appropriate, and up to date

Information needs to be age appropriate, while ensuring that a learner has sufficient knowledge to enable them to operate safely during their stay.

Consider:

- age sensitivities – for example, there may be some topics that are not relevant or appropriate to cover, and there may not be the same reference points for some topics, such as alcohol
- how to develop and publish information that is easy for international school learners of different ages to find and understand
- publishing key information, policy summaries, and procedures international school learners need to follow on your website as Frequently Asked Questions (FAQs)
- writing any documentation that is intended for prospective learners as though they were someone who knows nothing about your school, who has never been to New Zealand before, and who has limited knowledge of English. Use simple sentences
- testing learner support advice and material directly and regularly with both new and more experienced learners to get their feedback.

79(b) Information about legal rights and obligations

You need to decide what information is relevant for your learners, depending on their age, circumstances, expectations, and any other relevant factors.

The Citizens Advice Bureau (CAB) offers information and services about legal rights and obligations and can be a good starting point.

Consider:

- explaining to international school learners that the laws of New Zealand apply to them while they are living and studying here
- advising them where to find New Zealand legislation
- summarising and/or directing them to the most relevant legislation (i.e. the road code, drinking and smoking laws, etc.)
- providing information with links to relevant websites and, if possible, in other languages.

79(c) Information and advice on:

- i. How to effectively interact with people from different cultural backgrounds
- ii. The cultural and community support available to them
- iii. How to adjust to a different cultural environment in New Zealand

Examples for good practice include:

- providing information about adapting to a new culture/the cultural adjustment process
- developing support services for learners experiencing culture shock. For example, how and where to seek support for homesickness or 'teething problems' with the residential caregiver or flatmates
- fostering community links to help learners integrate into their community, i.e. churches, cultural and sports groups
- considering when and how to provide this information
- helping staff and domestic learners who work with international school learners to understand culture shock and its stages.

79(d) Information and advice on education, residency, career pathways

Check that your careers further study and residency pathway advice is up to date. Provide appropriate advice and links such as [Careers NZ](#).

This process aligns with 57(c)(iv) in Outcome 13.
[See the section on clause 57\(c\)\(iv\) for more information.](#)

79(e)(j-iv) Information on minimum wages and employment/labour conditions/protections in New Zealand, and maximum hours of work permitted under visa conditions

Consider including information about:

- working part-time, up to 20 hours per week, and full-time during scheduled holidays while on a student visa
- requirements that international school learners must meet to be able to work while studying; [Immigration New Zealand](#) has full details working in New Zealand and employment rights (available on the [Employment New Zealand](#) website).
- the risk of exploitation. Anyone currently being forced to work in New Zealand illegally for less than the minimum wage and/or excessive hours is advised to call the Labour Inspectorate on **0800 20 90 20**. They can also contact [Crimestoppers](#) anonymously: **0800 555 111**.

Outcome 20

Managing withdrawal and closure

Outcome statement

Signatories must ensure that the fees paid by international learners for educational instruction in New Zealand are secure and protected in the event of learner withdrawal or the ending of educational instruction or the closure of a signatory.

Overview

The intent of this outcome is to ensure the required systems and processes are in place for learners, and where relevant their parents or legal guardians, so they understand what happens if a learner withdraws from a programme, does not attend, or if your institution cancels a programme or closes for any reason. This includes learner fee protection and refunds.

Good practice for managing withdrawal and closure

Consider developing an explicit process for when learners withdraw, and formally documenting learner withdrawals.

Points in the withdrawal process you may wish to include could be:

- refund entitlement in the event of withdrawal
- having a withdrawal or leaving form for learners to complete that records the date of withdrawal, the learners last day of tuition, the reasons for withdrawing, whether or not the learner has been granted a refund, and the date of notification to Immigration New Zealand that the learner has withdrawn. Provide the learner with a copy of the withdrawal form
- advice on where learners go when they leave their programme early
- transfer of care procedures for learners under the age of 18, during the period of enrolment and at the end of enrolment (see Outcome 18, [clause 73\(1\)\(f\) of the Code](#))
- advice that Immigration New Zealand will be notified when a learner withdraws.

81. Process

81(1)(a) Refund policies are reasonable and in accordance with legal requirements

The Code advises the minimum conditions which need to be included in a “reasonable” refund policy (see [clause 81\(2\) in the Code](#) and the relevant guidance below).

Resources

In addition, “reasonable” refund policies will have regard to:

- [the Education and Training Act 2020](#)
- [Education \(Refund Requirements for International Students\) Notice 2012](#)
- [the Fair Trading Act 1986](#)
- [the Consumer Guarantees Act 1993](#)
- [the Human Rights Act 1993](#)
- the terms and conditions of your international school learner enrolment contract.

Refund policies

Across all provider types, the learner fee protection policy must preserve international school learner tuition and homestay fees so that they can be accessed in the event of signatory closure, or if a signatory is unable to offer or continue a programme to learners.

All signatories have obligations under the [Consumer Guarantees Act 1993](#).

It is important to ensure that fees are correctly receipted so that refunds are made back to the appropriate party.

Fee protection processes will differ from school to school and be guided by the accounting system used by schools. Some schools operate a separate bank account and special ledger codes to manage international school learner fees. This can protect learner fees paid in advance.

Fees received in advance should only be used by a school as the fees are earned during the programme. A portion of advance fees are transferred to the school's main bank account in instalments. Remaining fees paid in advance are available to be refunded if necessary.

Boards of Trustees are advised to consult their insurance advisors when developing a fee protection policy and to make arrangements appropriate to their needs.

It is good practice to seek the advice of an accountant when developing a fee protection policy.

81(1)(b) Providing international school learners with sufficient information to understand rights and obligations under refund policies

This process relates to Outcome 15 and the aim is to help you to manage the expectations of international school learners (and their parents/legal guardians, where relevant) to mitigate potential financial and contractual disputes.

Signatories are required to not only inform learners when fees may be refunded but also to ensure that the information provided is sufficient for learners and families to understand the refund conditions.

You will only be able to truly test that your information has been sufficient when the first learner goes through your withdrawal and refund process. At that point, consider how effective your information was for managing learner/parent expectations. Then review the information provided and amend it as required.

To clarify refund conditions, consider informing learners of:

- circumstances in which a learner may or may not be eligible for a refund
- fees not protected by your refund policy (for example, travel and temporary accommodation costs prior to enrolment and accommodation placement at your institution; personal costs incurred in the event of a course or programme being cancelled at short notice)
- any timeframe that learners 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 fees receipt and offer-of-place letter or medical certificate.

Information on refund policies and conditions can be provided through:

- marketing and promotional material
- information for education agents to provide to learners
- learner contracts and information provided prior to the contract being signed
- orientation information
- international school learner handbook.

However, the most important time to ensure that the refund policy information is received is **prior to entering the enrolment contract**.

Outcome 21

Dealing with complaints

Outcome statement

Signatories must ensure that all international school learners have access to proper and fair procedures for dealing with complaints.

Overview

The intent of this outcome is to ensure transparent, accessible, and effective processes are in place to resolve any complaints learners may have.

Good practice for dealing with complaints

Act early: formal complaints are the tip of the iceberg

The process for dealing with learner complaints often begins long before a formal complaint is made.

Proactive pastoral care from the earliest stages of the international school learner lifecycle can prevent minor issues building to become major ones that can cost your school time, money, and reputation.

Ensuring that your school complies with Outcomes 13-20 of the Code is your best chance of avoiding having to actively go through the processes outlined here at Outcomes 21 and 22. Hold discussions with your international school learners in a less formal context, earlier, and capture issues before they become complaints. The processes outlined in Outcomes 18-19 will assist you with this.

In the event that your school does have to deal with a formal complaint, having robust procedures in place will ensure that the experience is as quick and painless as possible for all involved. Effective complaint procedures can even become a meaningful source of business ‘intel’ for your school if you are open to feedback and embrace the process as an opportunity to listen to your learner ‘customers’ and improve services as required.

Ensure both you and your international school learners have appropriate advocacy and support

Going through a formal complaint process is a difficult experience for all parties.

For an international school learner, it is incredibly challenging to go through the process in a foreign country, culture, and language.

For this reason, it is important to ensure the international school learner in question has enough advocacy and support.

Consider engaging with an external advocacy service or building community networks to identify and source independent people who can act as advocates for the international school learner if and when necessary. Community networks can include but are not limited to church groups, cultural support groups, etc.

It may not be appropriate for a staff member to act as the advocate, for example when the allegations involve another learner or staff member.

In a complaint where two or more learners are involved, it is important to ensure that each learner has a separate advocate or support person.

International school learners who have gone through a complaint process may also need additional pastoral care follow-up after the dispute has been resolved. Consider meeting with the learner and, if relevant, their parents/guardians, after the event to check that they have been able to resume learner life.

For signatories, the challenges of communicating across cultures and languages, sometimes in the heat of criticism and unwanted media attention, can require the advice, advocacy and support of peak bodies and other schools. Consider joining a peak body or other relevant school to ensure that you have appropriate support, information, and media training to navigate challenging circumstances before they arise.

Accept that every situation is unique and multi-faceted

Understand and account for the fact that each complaint is unique and will often include several issues. Your process may need to cover a mix of continual issues, rather than each individual issue. Accept that it will not be possible to pre-empt every international school learner complaint in advance. Be prepared to learn from things that go wrong – look at what happened, where there may be gaps, and where you might be able to make changes in future.

83. Process

83(1)(a) and 83(1)(b) Effective internal process for addressing complaints and international school learners are informed about that process

You must develop and implement an effective internal process for addressing complaints and ensure that your learners are informed about it.

Suggestions for good practice:

- consider when the process starts – formally and informally (i.e. you are required under outcome 17 to give international school learners information about your complaint procedures during orientation. Is that the beginning?)
- make your process easy to understand – think about a flow chart, or step-by-step instructions, in plain English, as well as in other languages if possible
- have an ESOL teacher review the copy to ensure that it is written in ‘plain English’ appropriate for speakers of English as a second or other language
- involve international school learners in the development of your process and in its review
- develop your process in consultation with your international school learner staff
- include clear direction on who to go to for support
- advise international school learners to approach the staff member closest to the problem in the first instance (with an advocate, if appropriate)
- identify different complaint types and the person to whom each type of complaint would be addressed
- include photographs and locations of appropriate staff for ease of identification for learners
- include your process in pre-enrolment packs and explain the process at orientation (keep it simple and positive)
- tell learners about the process both verbally and in writing
- display the complaint procedure information in prominent places around your campus
- let learners know that they have a right to an advocate, and make sure advocates have institutional knowledge (policies, procedures, people) and are able to listen without prejudice to the learner’s point of view

- let learners know that they may bring another support person with them (such as a friend or family member of homestay parent) during any stage of the process
- refer learners to their students’ association if appropriate
- integrate a process for managing complaints about the education agents you commission
- inform your education agents of your complaint procedures and the external process for making a complaint to NZQA or the DRS
- put the outcome of any complaints in writing
- check that international school learners are confident they can access and understand the information provided about the complaint procedures at your school
- document your complaints, gather feedback on the effectiveness of your process, and develop ways of integrating these into your internal review process so you can continually improve.

83(2) Advising learners of recourse to the DRS/ Code administrator

While not limiting an international school learner’s access to an external process, you should take measures to work through the issues that are most appropriately dealt with internally before referring an international school learner to an external appeal body.

Advise your international school learners that they can contact NZQA or iStudent Complaints if their complaint is not resolved through your internal process:

- NZQA receives and investigates learner complaints relating to an alleged breach of the Code. Information on how to make a complaint can be found on [NZQA’s website](#).
- [iStudent Complaints](#) is the International Student Contract Dispute Resolution Scheme established by the New Zealand Government. iStudent Complaints receives and resolves international learner financial and contractual disputes with providers.

Outcome 22

Compliance with international learner contract Dispute Resolution Scheme

Outcome statement

Signatories must comply with the relevant Dispute Resolution Scheme rules



Overview

The intent of this outcome is to ensure that signatories are familiar with the DRS rules and ensure compliance with those rules in a dispute to which they are a party. Failure to comply with the DRS rules is a breach of this Code and may trigger sanctions by the Code administrator.

85. Process

85(1) and 85(2) Compliance with the DRS rules

Ensure that the appropriate staff are familiar with the relevant DRS rules and comply with them if an international school learner dispute is referred to iStudent Complaints.



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