

Guidance for Tertiary Providers

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

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November 2021

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Section 01

Introduction and Overview



Introduction

About this guidance

The Guidance for the implementation of the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code) supports tertiary education providers to put the Code into practice to achieve its outcomes.

The Code requires providers to implement the Code in a way that is consistent with Code Administrator expectations (clause 3(2)).

This guidance sets out the Code Administrator's expectations for how providers are to understand, interpret and appropriately apply the Code to their learners and contexts. It does not (and cannot) place additional requirements on providers beyond those already set out in the Code.

The guidance:

- introduces the Code
- notes the cornerstones of the Code, which providers and the Code Administrator must consider when implementing and reviewing the Code
- describes the role of the Code Administrator in supporting and monitoring Code compliance
- sets out the expected process providers must follow when determining what is 'appropriate', including for learners based offshore or in workplaces
- provides detailed guidance for understanding and applying the Code outcomes and processes
- establishes the priorities for effective implementation, so providers know where to start
- shows where and how providers have flexibility to tailor their pastoral care practice
- provides optional resources and examples of what practice may look like, to prompt providers' thinking about how their practices could fulfil the process requirements.

The guidance has been developed with tertiary learners and providers from across the tertiary education sector.

It is a living document and will be updated as required to remain current and fit for purpose.

Navigating this guidance

This guidance must be read in conjunction with the [Code](#).

Outcomes 1-4 of the Code are foundational and apply to all tertiary providers, including those with international learners and/or student accommodation.

The other outcomes may not apply to all providers. The guidance addresses each part separately so providers can find the sections relevant to them.

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 tertiary education providers must meet for the wellbeing and safety of their domestic and international tertiary learners.

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

It combines, builds on and replaces the previous Codes¹.

Key features of the Code include:

- a requirement to take a whole-of-provider approach to learner wellbeing and safety
- strengthened standards for wellbeing and safety practices, including:
 - fostering learning environments that are safe and designed to support positive learning experiences of diverse learner groups
 - training and support for staff (including accommodation staff)
 - better protections for learners for making complaints and resolving disputes
 - better consistency within and across providers (and in student accommodation) for responding to emergency situations.

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.

¹ The interim domestic Code is the Education (Pastoral Care of Domestic Tertiary Students) Interim Code of Practice 2019. The international Code is the Education (Pastoral Care of International Students) Code of Practice 2016.

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 international Code signatories.

Purpose 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.

Cornerstones of the Code

The following are the fundamental features of the Code. Providers and the Code Administrator or its delegate must consider these cornerstones when implementing or reviewing performance under the Code.

Wellbeing and Safety

The Code aims to enable learners' academic success through promoting wellbeing and safety.

The Code defines wellbeing and safety as having a *positive frame of mind, resilience, satisfaction with self, relationships, and experiences and progressing towards learning outcomes sought. It also means being healthy and feeling secure.*

Wellbeing has benefits for:

- learners to achieve their academic goals
- learners, their whānau, and communities because of the benefits this brings to the overall health, relationships, and experiences within these spheres
- tertiary providers in terms of better retention, pass rates, learner satisfaction and the associated positive outcomes and associated reputational impacts
- wider society – learners reaching their potential will lead to wider benefits of a highly skilled workforce.

Te Tiriti o Waitangi

Under the Education Act 2020, the Government must establish and regulate an education system that honours Te Tiriti o Waitangi and supports Māori Crown relations.

The Code plays a part in providing for a system of supports that honours Te Tiriti o Waitangi and works well for Māori, including through supporting the rights of ākonga Māori and their whānau as both tangata whenua and citizens (clause 3(7)). The Code contributes directly to the outcomes for Māori set out in the [Tertiary Education Strategy](#).

Te Tiriti o Waitangi principles of partnership, protection and participation are inherent to the Code. When implementing any part of the Code, providers must consider these principles and how they can partner with Māori to give effect to the Code outcomes.

Specifically, the Code requires providers to:

- have strategic goals and plans for learner wellbeing and safety that contribute to an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relations (Outcome 1, clause 7)
- work proactively with diverse learners and stakeholders to develop, review and improve their goals, plans and practices for learner wellbeing and safety (Outcome 1)
- foster safe and inclusive learning environments that support learner participation and engagement (Outcome 3)
- provide learners with safe opportunities to use te reo and tikanga Māori to support Māori learners' connection with identity and culture (Outcome 3, clause 17(c))
- have practices for engaging with Māori and involving Māori in the design of physical and digital environments where appropriate (Outcome 3, clause 18)
- provide staff with ongoing training and resources tailored to their roles in relation to Te Tiriti o Waitangi, understanding the welfare issues of diverse learner groups and appropriate cultural competencies, and identifying and reporting racism and discrimination (Outcome 1, clause 10(2)).

A key part of enabling that Te Tiriti o Waitangi is honoured through Code practices will be building the cultural capability of those working within the system to work with Māori (Outcome 1, clause 10(2)).

NZQA will work with ākonga Māori and Māori providers and stakeholders to provide the wider sector with further guidance and support.

Learner voice

The Code is a framework for provider–learner relationships. While any relationship needs commitment and engagement from both parties to be successful, the Code requires providers (as the regulated party) to fulfil their role in building and maintaining strong relationships with diverse learners and other stakeholders. Through this relationship, issues that are important to learners and their communities are identified and appropriate strategic goals, plans and practices can be developed.

Although learner voice is one outcome in the Code, it is foundational to the whole Code. Strong learner voice, and partnerships with learners and their communities, will ensure that providers are working for – and with – learners, and therefore giving effect to the Code. What learner voice looks like across providers will differ (see Outcome 2).

Whole-of-provider approach

Outcome 1 ensures a whole-of-provider approach to pastoral care. Alongside Outcome 2 (learner voice), it is foundational to the whole Code.

Under a whole-of-provider approach, learner safety and wellbeing outcomes are not the responsibility of one team or individual, but are achieved through a strategic, transparent and responsive system.

The Code expects providers to create a system that works for their learners, context, mode and sites of delivery. It does this by providing a framework that is outcomes-focused, flexible and enabling: providers must apply the Code in a way that is appropriate to particular learning, communal and residential contexts, and to the specific needs of diverse learners (clause 3(2)).

Providers have the flexibility, and responsibility, to work out together with learners and other stakeholders what is appropriate, by evaluating practice and tailoring it to appropriately meet their learners' needs.

Under a whole-of-provider approach, the Code requires providers to:

- take a strategic, outcomes-focused approach to learner wellbeing and safety
- be able to work with diverse learners and stakeholders to understand and respond effectively to their needs
- have the capability and capacity to put learner wellbeing and safety practices in place
- be transparent about their wellbeing and safety system and its performance, so that:
 - providers are more accountable to their learners and other stakeholders
 - learners have clear and accessible information about wellbeing and safety practices
 - learners know how they can partner with providers in decision making, and how to raise a concern or complaint
- undertake quality self-review, that uses and embeds learner voice and relevant data, to regularly review, develop and improve practices so they remain fit for purpose.

Structure of the Code

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

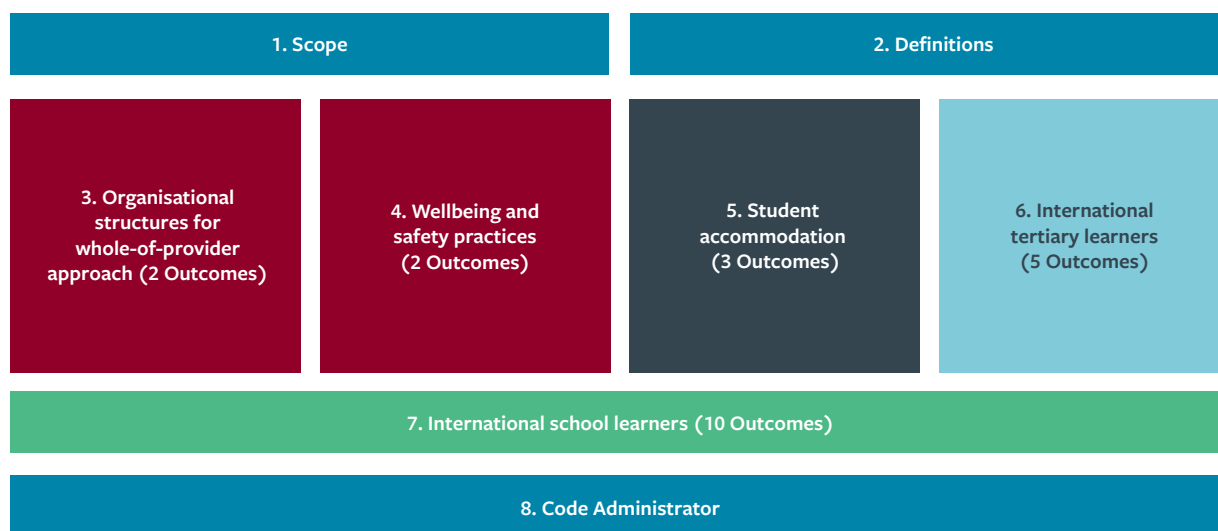
The Code separates requirements based on whether a learner is in school or tertiary education, is living in student accommodation, or is domestic or international.

For tertiary providers, Parts 3 and 4 (Outcomes 1-4)

apply to all providers with domestic and international tertiary learners, and Parts 5 and 6 (Outcomes 5-12) may apply, depending on what the provider offers.

Part 7 (Outcomes 13-22) applies to schools with international Code signatory status.

See the table below and the specific guidance for each Part and Outcome for more information.



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 provider for enrolled domestic or international tertiary learners, whether in New Zealand or offshore (clause 3(3)).

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

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

NZQA's expectations for working out what is 'appropriate'

When determining what learner wellbeing and safety practices are appropriate for their learners, NZQA expects providers will:

- 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), where practicable, disaggregated by diverse learner groups (clause 8(2))
- consider this evidence in light of the provider's strategic goals and plans (clause 8)
- make robust, defensible and documented decisions about what is appropriate and why.

An example: working out what is 'appropriate'

Outcome 4, clause 22(1)(f) of the Code: *learners are safe and well*, states “identifying learners at risk and having clear and appropriate pathways for assisting them to access services when they need it”.

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

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

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

- work with the learner
 - e.g. understand learner’s needs, what solutions would be relevant, appropriate and positive for them
- consider the profile of any learners at risk
 - 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 pathways would address the needs and issues of these learners 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 pathways and services implemented 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, providers have a responsibility to protect learners’ privacy and a legal obligation to comply with the Privacy Act 2020.

Key privacy considerations for providers 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.

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

Administering the Code

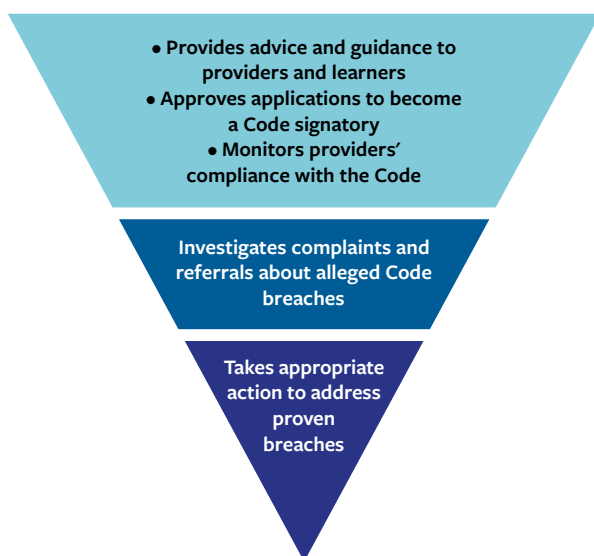
NZQA as Code Administrator

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). 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 at 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, providers are required to regularly complete a self-review to identify how well their learner wellbeing and safety goals, plans and practices deliver the outcomes required by the Code (Outcome 1, Process 2). For more on effective self-review, click [here](#).

Providers 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 (on behalf of NZVCC).

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 learners to raise concerns about their provider'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 learners' concerns/complaints are not effectively addressed by their provider, learners can escalate the matter to NZQA or, if they relate to financial or contractual matters, the Disputes Resolution Scheme (DRS). There are two schemes: [a DRS for international learners](#), and [a DRS for domestic learners](#).

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

Anyone can make a complaint to NZQA about a tertiary providers' 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 provider 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 this guidance as required.

Offshore Learning and the Code

Overview

This statement sets out NZQA's expectations for the application of the Code for international and domestic tertiary learners in offshore settings.

The Code ensures that New Zealand's reputation of having quality education provision is upheld irrespective of the location of the education, whether learners are in New Zealand or offshore.

What applies and what is appropriate?

Pastoral care support for offshore learners under the Code may look different to that for New Zealand-based learners, and some parts of the Code are only for the New Zealand context (see 'What doesn't apply' below).

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

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

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

When determining what is appropriate, NZQA expects providers will:

- work proactively with offshore 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), where practicable, disaggregated by diverse learner groups (clause 8(2))
- consider this evidence in light of the provider's strategic goals and plans (clause 8)
- make robust, defensible and documented decisions about what is appropriate and why
- communicate effectively to offshore learners and other relevant stakeholders about the level of pastoral care provided.

An example

Outcome 1: A learner wellbeing and safety system Clause 10(1): Responsive wellbeing and safety systems

This clause requires providers to:

- gather and communicate relevant information about learners' safety and wellbeing across their organisation
- use that information to identify emerging concerns about learners' wellbeing, safety or behaviour
- take all reasonable steps to connect learners quickly to appropriate social, medical and mental health services.

In an offshore delivery setting, it is unlikely to be practicable for a provider to communicate with other foreign local services or authorities to connect the learner to them when an offshore learner is at risk.

However, for this requirement there are still ways to identify and raise emerging concerns about offshore learners and ensure that all support available to them is considered. For example, providers may:

- communicate with offshore learners online or by phone to check if they are feeling under pressure or overwhelmed
- have a mechanism to regularly check-in with learners (e.g. a scheduled virtual meeting with each learner or a one-on-one session with a tutor to discuss any concerns learners may have)
- ensure information about a learner's emergency contact (e.g. next of kin) is held and verified so providers can escalate their concern if necessary.

What doesn't apply

The following Code requirements do not apply to offshore learners:

Accommodation

Part 5: Outcomes 5-7. Any accommodation overseas is not defined as 'student accommodation' as per the Code.

Insurance

Part 6: Outcome 10 – Process 5. Insurance requirements are for international learners who travel to or live in New Zealand.

Immigration

Part 6: Outcome 10 – Process 6. Offshore learners do not have 'New Zealand Immigration Status' until they are in New Zealand.

Workplace Learning and the Code

Overview

This statement sets out NZQA's expectations for the application of the Code to learners based in workplaces – or 'workplace learning':

The Code ensures that New Zealand's reputation as having a quality education provision is upheld irrespective of the location of the education.

Workplace learning means that learners receive education *in, through, for, and/or during work*.

Workplace learning can also be called:

- workplace training
- work-based learning/training²
- field-based learning/training
- on-job learning/training
- cadetship
- internship
- practicum
- apprenticeship²
- trainees
- employees' professional development.

Clear roles and responsibilities

In workplace learning contexts, where the provider has less direct oversight and control over learner safety and wellbeing, it is important to clarify roles and responsibilities upfront. This means that the provider, learner and employer understand what their responsibilities are, so that:

- expectations are managed
- learners understand how they can raise concerns
- providers and employers understand their respective roles.

Providers should evaluate their Code obligations while considering the employer's obligations.

Ways to clarify (and evidence) roles and responsibilities include having:

- a learner enrolment contract and information that is clear for learners, so they are aware of all relevant parties' responsibilities before undertaking workplace learning (e.g. a work placement handbook)

- a written contract with each employer outlining what support the provider and the employer will provide (e.g. clearly stating that academic support is provided by the education provider, and physical safety is ensured by the employer).

Using tools like these will help ensure that the provider, learners and employers understand the intent of the Code for workplace learning, and how it will be applied in their context.

What applies, and what is practicable?

The Code currently applies to all workplace learners who are enrolled with registered PTEs, Te Pūkenga, universities or wānanga.

How the Code is applied and what is practicable will look different depending on each scenario.

For example:

- the nature of workplace learning
 - e.g. a work placement arranged by the provider as part of a wider programme, versus a short training module all employees are expected to complete with an external provider
 - e.g. working under supervision, versus learning by observing others in the workplace
- the length of the workplace learning
 - e.g. a one-day first aid course for employees, versus a six-month internship as part of an undergraduate degree
- the location of the workplace learning
 - e.g. on a construction site as an apprentice, versus online at the employer's offices.

The practicable support provided might look like:

- a student being placed into work as part of programme requirements may be eligible for all student support while attending lectures and could go to their education provider for help during their study
- an employee on a short course could expect to have a safe and inclusive learning environment on the day, but not access to the student support services offered to full-time campus-based students. This should be clarified in the enrolment contract

² See the Education and Training Act for a detailed definition.

- an apprentice could expect to have support for their study and access to student services, but their employer may be responsible for their health and safety in the working environment.

Requirements may be met in a different or more limited way in practice than they would be for learners in campus or class-based learning.

An example

Outcome 3: Safe, inclusive, supportive, and accessible physical and digital learning environment

Clause 18(a): Providers must have practices for providing healthy and safe learning environments

This clause requires providers to ensure that learners are in a learning environment that is physically and mentally safe for them.

In some workplace learning settings, however, it will not be practicable for a provider to ensure physical or mental safety where the risks and issues are related to the worksite or the employment situation within which learners are placed.

The employer will also already be responsible under other legislation for ensuring the health and safety of employers, volunteers, interns, trainees and visitors in the workplace.

However, for this requirement there are still ways that providers can ensure they have done everything they practicably can to ensure that their workplace learners are physically safe. For example, providers can:

- obtain the health and safety policy developed and implemented by the employer
- obtain the health and safety audit result conducted by the relevant industry regulatory body, if available
- clarify roles and responsibilities, with regard to Code obligations, with all parties (i.e. provider, employer, learner) to ensure that:
 - learners understand with whom they can raise concerns
 - employers understand what their responsibilities are
 - providers are assured that all Code requirements are met through the provider or the employer or jointly.

NZQA's expectations about what is appropriate

Determining what is practicable, reasonable and therefore appropriate in practice in workplace learning settings is ultimately the responsibility of each individual provider.

Under the Code, providers must implement all processes in a way that appropriately responds to the needs of learners in context and that is 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 provider for enrolled domestic or international tertiary learners (clause 3(3)).

As the Code Administrator, NZQA expects providers to take responsibility for determining what is appropriate practice for learners enrolled with them and based in workplaces, including practice undertaken by any contracted third party.

When determining what learner wellbeing and safety practices are appropriate for their workplace learners, NZQA expects providers will:

- work proactively with learners and relevant stakeholders, for example; consult, co-operate and co-ordinate with employers to evaluate the most appropriate support for their workplace learners
- use quality evidence, e.g.
 - input from diverse learners and other stakeholders, such as employers
 - relevant quantitative and qualitative data (including from learner complaints), where practicable, disaggregated by diverse learner groups (clause 8(2))
- make robust, defensible and documented decisions about what is appropriate and why
- inform workplace learners and other relevant stakeholders about the level of pastoral care provided, and who will provide this.

Other legislative requirements and the Code

The Code does not override other legislative obligations, requirements, rules, orders or professional codes of conduct. For example:

- Each industry must comply with its own sector's legislative requirements – for instance, if your organisation delivers a programme for:
 - future aviation professionals, any workplace learning must comply with the Civil Aviation Rules³
 - future professionals working with young children, any workplace learning must comply with the Children's Act 2014
 - future social workers, any workplace learning must comply with the Social Workers' Registration Board's Code of Conduct.
- For New Zealand Apprenticeships programmes, providers have responsibilities under the Code of Good Practice for New Zealand Apprenticeships, published by the Tertiary Education Commission (TEC).
- Other relevant legislative obligations must be complied, such as the Health and Safety at Work Act 2015 (HSWA)⁴.

It is important that each provider evaluates which Code practices are reasonable and necessary given any other legislation or regulations that supersede or have a nexus with the Code.

³ Set by The Civil Aviation Authority; a Crown entity responsible to the Minister of Transport.

⁴ WorkSafe – Mahi Haumarua Aotearoa, a Crown entity, is the regulator of the workplace health and safety system under the HSWA. PCBU is defined in section 17 of the HSWA.

Section 02

Part 3 of the Code:
Outcomes 1 and 2 –
organisational structures to
support a whole-of-provider
approach to learner
wellbeing and safety



All requirements in Outcomes 1 and 2 relate to domestic and international tertiary learners.

Outcome 1 focuses on learner wellbeing and safety structures and systems. Outcome 2 focuses on learner voice.

Outcomes 1 and 2 are foundational to ensuring providers' success in meeting the Code. In general, if providers have effective practices for Outcome 1 and 2 processes, they are likely to be giving effect to the Code.



Guidance for Outcomes 1 and 2 is structured as follows:

Outcome statement	Restates the Outcome, directly from the Code.
Overview	Outlines the intent and key requirements of the Outcome.
Getting started	Identifies priority areas for providers when starting to address their Code requirements for the Outcome.
Applying the Code	Uses a table to show what providers must do (left-hand column) but where they have flexibility to tailor practices to their unique learners and context (right-hand column).
Examples	Examples of what giving effect to the Outcome may look like in practice, for some providers.
Resources	List of optional resources to use, which providers may find helpful. These have been taken from across a wide range of sources. Providers are not required to use them. This list is not exhaustive, and providers may find their own resources better suited to their needs.

Outcome 01

A learner wellbeing and safety system

Outcome statement

Providers must take a whole-of-provider approach to maintain a strategic and transparent learner wellbeing and safety system that responds to the diverse needs of their learners.

Applies to domestic and international tertiary providers



Overview

Outcome 1 requires tertiary providers to have a strategic, transparent and responsive system for supporting learner wellbeing and safety, which will be achieved through relevant goals, plans and practices.

Under Outcome 1, providers:

- involve learners and stakeholders when developing learner wellbeing and safety goals and plans
- ensure the goals and plans address all Code requirements and contribute to an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relations
- publish goals, plans, and self-reviews, making them accessible to learners and stakeholders
- have practices⁵ for learner wellbeing and safety within and beyond pastoral care staff and teams
- have the capability and capacity to put goals and plans into place by ensuring all staff are provided with the necessary information and training to conduct practices
- take a planned approach to learner safety and wellbeing
- are proactive in addressing any concerns or improvements
- improve learner wellbeing and safety systems by effectively reviewing and changing practices based on feedback from learners and internal and external stakeholders⁶, to ensure practice is fit for purpose.

Getting started on Outcome 1

When implementing Outcome 1, NZQA expects providers to prioritise the following basic requirements:

- Ensure there are learner wellbeing and safety goals and plans in place. Most providers will have strategic or operational goals and plans already. Ensure these are published and accessible to learners and stakeholders. Review and map these against the Code requirements and the obligation to honour Te Tiriti o Waitangi.
- Continue or initiate plans to work proactively and build partnerships with diverse⁷ learners and stakeholders to review, develop and improve strategic goals and plans. Record these plans and/or activities. Think about how partnerships can be strengthened and maintained over time (clause 8(2)(a)).

- Plan when self-review will be conducted (clause 8(1)), at least at the frequency or by the date determined by the Code Administrator. Identify the relevant stakeholders you need to work with. This is an opportunity to measure whether strategic goals and plans described in clause 7(1) have been achieved.
- Have clear, documented processes for identifying and raising concerns about the wellbeing, safety and behaviour of learners (clause 10(1)).
- Identify existing training and resources for staff, and what additional training/resources are needed (clause 10(2)).
- Have plans in place to effectively respond to emergency situations in learning or residential communities. Have information on these plans readily available to learners when they begin their studies (clause 10(3)). This includes:
 - ensuring all learners, including disabled learners, know the relevant emergency plans
 - having suitably prepared, contactable staff members available for learners in an emergency
 - having a critical incident and emergencies procedures manual containing the immediate and ongoing actions for staff to effectively respond to emergency situations in their learning or residential communities.

Once providers have these basic requirements in place, they need to keep reviewing and improving their practices with stakeholders over time to ensure these remain appropriate. This will be achieved through a quality self-review process, which includes learner voice (see Outcome 2).

To undertake a quality self-review, providers need to identify up front the important quantitative and qualitative measures for their organisation and their learners, in consultation with learners and other stakeholders. This is so they can monitor the effectiveness of their goals, plans and processes, and later identify any improvements needed.

Click [here](#) for more information on self-review.

⁵ “Practices” means the “policies and processes implemented by the institution to realise the outcomes set out in this code” (see the Code definitions, clause 5).

⁶ “Stakeholders” means “learners, staff, whānau, local communities, employers, iwi, and others who share a meaningful interest in the wellbeing and safety of learners enrolled with the provider” (see the Code definitions, clause 5).

⁷ “Diverse” means “various backgrounds, experiences and beliefs, and various needs across a range of learning contexts. Diversity in the learner population includes those of varying ages, cultures, religions, sexual orientation, gender identities, international learners, refugee background learners, disabled learners, distance learners, and learners with care experience” (see the Code definitions, clause 5).

Applying Outcome 1

The Code requires providers to put learner safety and wellbeing practices into their own context.

Most providers will already be undertaking practices to meet Outcome 1. The Code formalises these.

The table below outlines what providers must do under Outcome 1 (left-hand column) and highlights where they have flexibility to tailor practices to meet the needs of their learners in their unique circumstances (right-hand column).

Clause	Under Outcome 1, providers must:	Within Outcome 1, providers can tailor their approaches to:
Process 1: Strategic goals and strategic plans		
7(1)	Have strategic goals and strategic plans for supporting the wellbeing and safety of their learners	<p>The practices that are embedded to meet these goals, as these will depend on their learners. Use learner voice to understand what will work best for them</p> <p>Whether these Code goals and plans are incorporated into existing or wider organisational goals and plans or developed as a standalone plan</p> <p>How to display and make information on goals and plans accessible for internal and external stakeholders – work with them to discuss how</p> <p>What a ‘strategic plan’ looks like – this may be of different scope, size and scale depending on the size of the provider. Some providers may prefer to document an overarching framework of where the Code goals are met through existing strategies and plans</p> <p>Tip: While the Code does not require providers to create additional or standalone strategic documents, learner safety and wellbeing goals, plans and practices can be incorporated into current documents, and should be clear, transparent and assessable</p>
7.2(a)	Regularly review their goals and plans	The timeframes and frequency of the review are up to the provider. For efficiency, consider integrating the review with other review cycles, and to meet NZQA’s Code self-review attestation deadlines
7(2)(b)	Make amendments to plans within a reasonable timeframe	Timeframes may differ due to available resources. Note this in the self-review and to stakeholders as to when amendments will be made
7(3)	Work proactively with learners and stakeholders – and document this work	<p>How they work with learners and stakeholders. This might include a monthly formal hui a classroom check-in, or an active social-media page, for example</p> <p>Ensure engagement is proactive and inclusive and has a feedback loop</p>

Clause	Under Outcome 1, providers must:	Within Outcome 1, providers can tailor their approaches to:
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Process 2: Self-review of learner wellbeing and safety practices

8(1)	Regularly review the quality of their learner wellbeing and safety practices to achieve the outcomes and practices of this code	<p>The timeframes and frequency of the review – consider integrating it with other review cycles</p> <p>The frequency and date of self-review attestation will be determined by NZQA</p>
8(2)	Review practices by using input from diverse learners and relevant quantitative and qualitative data	How they gain this input from diverse learners – this may include formal surveys, informal conversations and student associations
8(3)	In a timely manner, follow a self-review to address any deficiencies in learner wellbeing and safety practices	How they define “timely” – work to ensure timeframes suit learners and stakeholders, and uphold their wellbeing and safety

Process 3: Publication requirements

9	Make information set out in (a), (b) and (c) readily available, in accessible formats, to stakeholders, including on websites (where available)	<p>What are accessible formats – work with learners and stakeholders to find out what suits</p> <p>[If websites cannot be updated easily, ensure that these documents are available on site, such as in orientation packs. Make and begin to implement a plan to publish documents onto the website when possible]</p>
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Clause **Under Outcome 1, providers must:** **Within Outcome 1, providers can tailor their approaches to:**

Process 4: Responsive wellbeing and safety systems

10(1)	Gather and communicate relevant information across their organisation (including student accommodation) and from relevant stakeholders to accurately identify emerging concerns about learners' wellbeing and safety or behaviour. Take all reasonable steps to connect learners quickly to culturally appropriate social, medical, and mental health services	<p>Adapt/create policies that define and respond to emerging concerns, and the steps to take when they arise. Work to ensure these are understood by staff and learners</p> <p>The support services that learners can be connected with depends on the demographic and needs of learners, and the existence and availability of support services in the area</p> <p>Ways to provide information to learners. To work this out, review data on how many learners access services. If there is a low-uptake, work with learners to identify why this might be and how information can be best communicated</p>
10(2)	Provide staff with ongoing training and resources tailored to their roles in the organisation	<p>Decide which staff members need what training – create training plans based on current knowledge, skills and experiences, and work to fill any gaps</p> <p>How the training is delivered, e.g. if training will be sourced and delivered internally or externally</p> <p>Review the external organisations you already partner with to gain formal training and consider providing informal training (such as a buddy system), on-the-job training or lunchtime learning sessions</p> <p>Where appropriate, consider upskilling a few members of staff who can feed back to the wider staff team</p>
10(2)	Have plans for assisting learners, and responding effectively, in emergency situations in the learning or residential community (whether localised or more widespread)	<p>Maintain policies that define emergencies, and the steps to take when they happen. Work to ensure these are understood by staff and learners</p> <p>Consider how information on plans and policies is made available to students (e.g. through orientation sessions, information on websites or classrooms)</p> <p>Have a clear understanding of which emergency response bodies (locally and nationally) are most appropriate to contact according to a range of likely emergency events</p> <p>Review past incidents with learners to check the effectiveness of the response and what improvements could be made</p>

Examples of Outcome 1 practice

The following examples provide an idea of what practice under Outcome 1 may look like.

Develop learner wellbeing and safety goals and plans⁸ that give effect to the Code outcomes and incorporate them into the organisation's wider strategic goals and plans. This will help learner wellbeing and safety to be embedded into the whole-of-organisation approach (clause 7).

What this may look like

- Strategic goal: To respect the cultural backgrounds of learners.
- Code Outcome reference: Outcome 3, clause 16.
- Strategic plan (to achieve this goal):
 - teaching staff to learn and understand learner's cultures through whanaungatanga practices (activities which work to create a sense of belonging)
 - hosting an annual cultural week
 - gaining advice and guidance from learners on what a respectful learning environment is, and how to achieve this.

Support diverse learners to feed into and feedback on strategic goals and plans by making accessible communication channels for them to do so (clause 7(3) and clause 8(2)(a)).

What this may look like

- Use a range of methods to gain learner voice – tailor to the context, and what suits a diverse range of learners.
- Support learners by facilitating handovers from outgoing to incoming learner representatives, informal training sessions and ensuring any reading materials are accessible and jargon-free.
- Invite learners to participate in board or management meetings and ensure that there is a mechanism to include learner voice into the wellbeing and safety goals, plans and practices.

When publishing goals, plans and self-review reports, consult with learners and stakeholders on what formats would be accessible to them (clause 9).

What this may look like

- Ask learners and stakeholders what 'accessible' means to them through various methods, such as surveys, informal meetings (with kai provided where appropriate) and exit interviews.
- Use infographics and images to describe documents to increase accessibility.
- Write in plain English and work to make information accessible.
- If possible, present documents in a way that is 'readable' for text-to-speech software.

When providing information to learners on how they can communicate emerging concerns and what to do in emergencies, consider making information sessions interactive to increase participation, and stagger sessions across weeks to ensure retention of information (clause 10).

⁸ A strategic goal will provide the organisation with direction and vision, i.e. where the organisation will be in three or five years. Strategic plans are the way in which the organisation will get to that point, with plans set out across the goal's period. Some organisations might refer to strategic goals differently and use terms such as 'vision' or 'mission statement'.

Here is an optional list of resources that providers may find helpful:

Process 1: Strategic goals and plans

- Goals and plans need to describe how the organisation will contribute to an education system that honours Te Tiriti o Waitangi and supports Māori Crown relations. The Ministry of Education has information on creating a supportive learning environment and the concept of [ako](#).
- Diverse learner voice needs to be embedded in strategic goals and plans. See Outcome 2 for more information on learner voice, and see [Whiria Ngā Rau](#), on partnering with learners.
- The Tertiary Education Commission (TEC) has a [Learner Success Framework](#) that provides a blueprint for putting learners at the centre, to advance equity and to ensure all learners can succeed.

Process 2: Self-review of learner wellbeing and safety practices

The Code expects providers make continuous improvements to wellbeing and safety practices through ongoing self-review against the Code requirements. NZQA's self-review guidance and toolkit can be found [here](#).

Process 4: Responsive wellbeing and safety systems – training requirements

Here are some resources for your staff training relevant to this process:

- Te Tiriti o Waitangi
 - [Te Arawhiti - Tēnā koutou katoa](#) provides information, including on building closer partnerships with Māori.
 - [Ako Aotearoa](#) provides public workshops and courses for tertiary staff.
- Code obligations
 - NZQA provides free and ongoing training sessions on the Code.

- Understanding the welfare issues of diverse learner groups and appropriate cultural competencies
 - Resources lie within each organisation. To determine the key issues, consider the demographic and requirements of students within each cohort/course.
- Privacy and safe handling of personal information
 - [Office of the Privacy Commissioner](#) provides free online privacy education.
- Identifying and timely reporting of incidents and concerning behaviours
 - Resources lie within each organisation. Strong operational policies on these topics and conducting in-house training during staff induction will be important to embedding this in your organisation.
- Wellbeing and safety awareness
 - [Blueprint for Learning](#) provides Mental Health 101. Training providers can send up to 5 people to a workshop at no cost.

Process 4: Responsive wellbeing and safety systems – emergencies and critical incidents

- The New Zealand Police and Get Ready provide information about what to do in various types of emergency.
- NZQA has a critical-incident-response template, accessible [here](#). Providers can contact NZQA for advice and support on following the Code before, during and/or after a critical incident.
- TEC has guidance on the creating [Disability Action Plans](#) to support organisations to be more disability-responsive and confident.
- [MoE](#) provides bulletins for communicating key COVID-19 information to tertiary education providers and students.

Outcome 02

Learner Voice

Outcome statement

Providers understand and respond to diverse learner voices and wellbeing and safety needs in a way that upholds their mana and autonomy.

Applies to domestic and international tertiary providers



Overview

Outcome 2 of the Code requires tertiary providers to put learners and their communities at the centre of the education system by proactively developing, sustaining and maintaining relationships with diverse learners so that their voices are heard, heeded and acted on.

Under Outcome 2, providers:

- have practices for building and maintaining effective relationships with diverse learner groups and their communities
- use processes and tools to partner and work with learners to create an environment that empowers learners to have their say and raise concerns
- work with learners and their communities to develop, review and improve strategic goals, plans and practices for learner wellbeing and safety (which links to Outcome 1)
- ensure learner voice is heard and responded to when making decisions and making changes to the organisation
- ensure the complaints framework and processes, both internally and externally (with NZQA and with the relevant Disputes Resolution Schemes), are clear and accessible to learners
- effectively respond to and process complaints.

Getting started on Outcome 2

When implementing Outcome 2, NZQA expects providers to prioritise the following basic requirements:

- Review current processes for gaining learner voice and handling learner complaints against the requirements of this outcome and plan to make improvements (Outcome 2 and link to Outcome 1).
- Plan and start to work with learners to ask what timely and accessible resources they need to support their voice being given and heard (clause 12(d)).
- Consider the diverse needs of learners, including Māori, Pacific, disabled and international learners, and how to incorporate their voices.

- Have a complaints process for learners (based on previous and current regulations) (clause 13).
- Help learners to understand what an accessible complaints process would be for them (clause 13(d)).
- Record complaints and report them annually to management, learners, other stakeholders and the Code Administrator (including on provider websites where available (clauses 13(d) and (f))).
- *For international Code signatories only*, be familiar – and comply – with the relevant Disputes Resolution Scheme (DRS) rules for international learners.
- *For tertiary education providers enrolling domestic learners*, plan to become familiar with the relevant DRS rules for domestic learners, and support learners and staff to be aware of and understand the scheme.

Once providers have the basic requirements in place, they need to keep reviewing and improving their practices over time, to ensure these remain appropriate.

This will be achieved through a quality self-review process that includes using learner voice. Click [here](#) for more information on self-review.

Applying Outcome 2

The Code requires providers to put learner safety and wellbeing practices into their own context.

Outcome 2 will look different across different providers, depending on the needs and ages of learners as well as how long learners are enrolled for. The Code enables flexibility in how providers gain learner voice.

Providers will find that their degree of engagement with learners will differ depending on the learning context. For example, a short-course provider may only be able to do in-person check ins and surveys, whereas a multi-year course provider may be able to partner more formally with learners.

The table below outlines what providers must do under Outcome 2 (left-hand column) and highlights where they have flexibility to tailor practices to meet the particular needs of their learners, in their unique circumstances (right-hand column).

Clause	Under Outcome 2, providers must:	Under Outcome 2, providers can think and tailor their approaches to:
Process 1: Learner voice		
12(a)	Have practices for building and maintaining effective relationships with diverse learner groups within their organisation	<p>How relationships are formed with learners, and how to work with them. This will depend on the course type and length, and the diverse needs of learners</p> <p>How to engage with learners, and what channels you use to engage. Ask learners how they would like to be engaged with, and provide multiple and ongoing opportunities to partner with learners</p>
12(b)	Have practices for working with diverse learners and their communities to develop, review and improve strategic goals, strategic plans and practices	<p>Practices to work with learners, depending on the context</p> <p>The timeframes and frequency of any formal reviews on strategic documents will depend. Consider integrating it with other review cycles</p>
12(c)	Have practices for providing formal and informal processes for actively hearing and engaging with diverse learners and their communities	Timing and frequency of the processes may differ due to available resources. Be transparent about this in the self-review action plan and with stakeholders
12(d)	Have practices for providing timely and accessible resources to learners and their communities to develop skills to enable them to participate in decision-making processes	<p>What information and resources are needed for learners to engage with and understand the decision-making processes. Learners could favour in-person meetings or presentations over documents to read – ask them first</p> <p>What ‘timely’ and ‘accessible’ resources mean in the context – ask learners what they consider to be timely and accessible, and continually review this</p> <p>What practices are in place to ensure learners can have their voice heard equitably – i.e. work to remove the imbalance with staff, which could occur due to staff holding subject matter expertise</p>
12(e)	Have practices for providing timely and accessible information to learners to increase transparency of providers’ decision-making processes	What ‘timely’ and ‘accessible’ information mean in the context. Ask learners what they consider to be timely and accessible, and review from time to time

Clause	Under Outcome 2, providers must:	Under Outcome 2, providers can think and tailor their approaches to:
Process 2: Learner complaints		
13(a)	Work with learners to effectively respond to and process complaints (including appropriate engagement with support people)	If and when support people are used. Ensure this option is available to learners
13(b)	Inform learners on how the complaint will be handled and how it is progressing	How information is given. Consider asking learners what information would be helpful
13(c)	Handle complaints in a timely and efficient way, including having practices that: <ul style="list-style-type: none"> • are appropriate to the level of complexity or sensitivity of the complaint • consider the issues from a cultural perspective • include the provision of culturally responsive approaches that consider traditional processes for raising and resolving issues (e.g. restorative justice) • comply with the principles of natural justice 	‘Timely’ will depend on the complaint, complainant, organisation and resources available. Consider how learners can be updated so they are aware of the process and when they can expect a response Cultural perspectives will depend on the demographic of the learners. Consider what external support they can bring, or what the provider can offer
13(d)	Ensure the complaints process is accessible to learners, including having practices for: <ul style="list-style-type: none"> • providing clear information on the internal complaints processes • addressing barriers to accessing this information • providing an opportunity for a support person or people • providing the opportunity for groups of learners to make joint complaints 	What an accessible complaints process is to learners. Ask learners what they consider to be accessible, and continually review this
13(e)	Record complaints	How complaints are recorded, use an appropriate spreadsheet or database Who has access to this data, the security protocols, and what training there is
13(f)	Report annually to provider management, learners, other stakeholders, and the code administrator (including on provider websites where available) on: <ul style="list-style-type: none"> • the number and nature of complaints made and their outcomes (at an aggregate level and, as far as practicable, disaggregated by diverse learner groups); and • learner experience with the complaints process and the outcome of their complaint 	How, in what format, and at what time of the year reports are made to management, learners and other stakeholders NZQA (the Code Administrator) will provide advice on its process and requirements for reporting this information with reasonable notice. This information is likely to be collected at the same time as the Code self-review attestation

Clause	Under Outcome 2, providers must:	Under Outcome 2, providers can think and tailor their approaches to:
13(g)	Promote and publicise complaint and disputes resolution processes to learners	How the processes are published. Ask learners what the best methods would be (e.g. website, on social media pages, in person)
13(h)	<p>Advise learners on the steps if the provider does not accept the complaint or the learner is not satisfied that the provider has made adequate progress towards resolving the complaint, including:</p> <ul style="list-style-type: none"> • how to seek resolution of a contractual or financial dispute by way of a complaint or referral to an appropriate body or agency depending on the subject matter of the dispute • how to make a complaint to the code administrator 	How and in what format you provide this advice (e.g. by flowchart, on the website, in person, by letter)
Process 3: Compliance with the Dispute Resolution Scheme		
14(1)	Be familiar with the relevant Dispute Resolution Scheme rules for domestic and international learners and ensure compliance with those rules in a dispute to which it is party	Which staff are responsible for being familiar with the DRS rules
14(2)	Failure to comply with the relevant Dispute Resolution Scheme rules is a breach of this code and may trigger sanctions by the code administrator	N/A

Examples of Outcome 2 practice

The following examples provide an idea of what practice under Outcome 2 may look like:

Create a culture where learners are heard and where staff and decision-makers value, genuinely consider and incorporate learners' perspectives into practice (clause 12).

What this may look like

- Where possible, partner with learners, learner representatives or leaders, including Māori and Pacific, disabled and international learners, and student establishments such as student associations, clubs and publications to hear learner voice.
- For short-course providers, use short satisfaction surveys and gather informal feedback.
- Set up feedback sessions that bring diverse groups of learners and other stakeholders together, perhaps over kai.
- Provide office hours for students to drop by, or give all students short, optional slots to create a designated time.
- Ask students to facilitate their own meetings, without staff – support conversations by providing prompt questions and ask a nominated student to feedback to staff.
- Close the feedback loop with stakeholders, adding a 'you said, we did' element to your feedback process.

Create a learner-centred complaints process to provide an accessible and straightforward platform and process for learners (clause 13).

What this may look like

- Remove barriers to the complaints process – make the process in plain English and other languages where needed; provide the process in hard and soft copies.
- Ensuring a high level of awareness about the complaints process, such as by widely publicising the scheme to learners through orientation and noticeboards.

- Create an easy-to-navigate flowchart for this process – include how a learner or group of learners would make a complaint. Consider consolidating complaints processes to make it easy to navigate.
- Use learner feedback on the complaints process and the information provided to improve the process and quality of information supplied.
- Identify and understand barriers to learners making a complaint, and work to mitigate these.
- Explain the principles of natural justice so students have no need to fear reprisal.

Tips

- Recording, reporting and resolving complaints is primarily about transparency and accountability. This also supports learners to make informed decisions about where and how they study and gives opportunities for providers to show how they are continually improving their practices in response to complaints. How to do this will depend on your context.
- When recording complaints on your website or elsewhere, keep in mind the privacy of the complaint and individuals involved. Ensure that no personal or sensitive information is provided. Use an aggregate level of detail, as far as practicable, disaggregated by diverse learner groups. Consider and apply the Privacy Act principles. You can view them at [Office of the Privacy Commissioner | The privacy principles – overview](#).
- Keep in mind that for some small providers it may not be practical to disaggregate information due to privacy, as breaking down a demographic trait might inadvertently disclose the complainant's identity. In these instances, record the reason for this via databases or by recording emails, for example.



Resources

Here is an optional list of resources that providers may find helpful:

Process 1: Learner voice

- [Whiria Ngā Rau](#) – developed by national student associations and provides a framework for learners and providers to build partnerships. Additionally, student stories on partnerships can be found [here](#).
- [Partners in Decision-Making](#) – developed by learners and the sector to shares research, practices and practical approaches to strengthen learner’s involvement in decision-making.
- [Students in Quality](#) – provides student partnership guidelines for academic quality assurance.
- [The Kato Toolkit](#) – created to support educators in planning and developing teaching and learning theory and practices for the success and development of Pacific learners.
- [Te Kete Ipurangi](#) – contains information and examples on how to encourage student voice. Although aimed at schools, this may be of benefit to tertiary providers.
- [Kia Ōrite](#), the New Zealand Code of Practice for an Inclusive Tertiary Education Environment for Students with Impairments.

Process 2: Learner complaints

- The Ministry of Business, Innovation and Employment’s guidance for best practice on [dispute resolution](#).
- The Ombudsman’s information on [complaints](#), and managing unreasonable complainant [conduct](#).
- NZQA website’s information about [complaints](#).

Process 3: Compliance with the Disputes Resolution Scheme (DRS)

- [iStudent Complaints](#) – helps international students resolve complaints with their education provider regarding financial or contractual matters.
- [Tertiary Education Learner Dispute Resolution](#) – helps domestic tertiary learners resolve complaints with their education provider regarding financial or contractual matters..

Section 03

Part 4 of the Code:
Outcomes 3 and 4 –
wellbeing and safety
practices for all
tertiary providers



All requirements in Outcomes 3 and 4 relate to domestic and international tertiary learners.

Outcome 3 focuses on learners having safe and positive physical and digital learning environments.

Outcome 4 focuses on learners being safe and well by providers proactively monitoring and responding to learners.

Strong implementation of learner voice processes (Outcome 2) will support learners to have platforms to discuss concerns or suggestions on wellbeing and safety practices that are required across these Outcomes.



Guidance for Outcomes 3 and 4 is structured as follows:

Outcome statement	Restates the Outcome, directly from the Code.
Overview	Outlines the intent and key requirements of the Outcome.
Getting started	Identifies priority areas for providers when starting to address their Code requirements for the Outcome.
Applying the Code	Uses a table to show what providers must do (left-hand column) but where they have flexibility to tailor practices to their unique learners and context (right-hand column).
Examples	Examples of what giving effect to the Outcome may look like in practice, for some providers.
Resources	List of optional resources to use, which providers may find helpful. These have been taken from across a wide range of sources. Providers are not required to use them. This list is not exhaustive, and providers may find their own resources better suited to their needs.

Outcome 03

Safe, inclusive, supportive, and accessible physical and digital learning environments

Outcome statement

Providers must foster learning environments that are safe and designed to support positive learning experiences of diverse learner groups.

Applies to domestic and international tertiary providers



Overview

Outcome 3 of the Code ensures that the learner’s journey and experience of tertiary study is positive and effective. This includes ensuring supportive transitions to tertiary education, healthy and safe learning environments, and fostering a community where learners feel they belong and are connected.

Under Outcome 3, providers:

- support learners to prepare for, and adjust to, tertiary education
- foster culturally safe and inclusive learning environments, where learners can raise issues affecting their wellbeing and ability to learn
- recognise, reduce and respond to discrimination, racism, bullying, harassment and abuse
- create opportunities for learners to form networks, and connect to their identity and culture
- monitor learner achievement and engagement, and support learners with any issues that affect their ability to study
- offer advice to learners on future pathways, both study and career opportunities
- ensure physical and digital learning environments, services and facilities are accessible and appropriate for learners.

Getting started on Outcome 3

When implementing Outcome 3, NZQA expects providers to prioritise the following basic requirements:

- Review current practice against the requirements of this outcome and make and begin to implement goals and plans to improve practices to address any gaps (clause 8).
- Use learner-voice processes (Outcome 2) to determine what key practices and opportunities would be appropriate and effective for learners and their communities.

Applying Outcome 3

The Code requires providers to put learner safety and wellbeing practices into their own context.

The table below outlines what providers must do under Outcome 3 (left-hand column) and highlights where they have flexibility to tailor practices to meet the needs of their learners, in their unique circumstances (right-hand column).

As Outcome 3 practices are not specified, there is full flexibility for providers to determine which practices are appropriate in their circumstances, through a robust self-review process that includes learners and other key stakeholders, to achieve the aims of this Outcome.

Clause	Under Outcome 3, providers must:	Under Outcome 3, providers can think and tailor their approaches to:
Process 1: Safe and inclusive communities		
16(1)	Have practices for:	What practices look like will depend on the context of the learning environment and the types of learner
16(1)(a)	Reducing harm to learners resulting from discrimination, racism (including systemic racism), bullying, harassment and abuse	Consider: <ul style="list-style-type: none"> • asking learners what would be helpful to them – and how they would like to work with you
16(1)(b)	Working with learners and staff to recognise and respond effectively to discrimination racism (including systemic racism), bullying, harassment and abuse	<ul style="list-style-type: none"> • culture of learners • age and maturity of learners
16(1)(c)	Promoting an inclusive culture across the learning environment	<ul style="list-style-type: none"> • what issues are occurring for learners and in the organisation, and how to mitigate and resolve
16(1)(d)	Upholding the cultural needs and aspirations of all groups throughout the learning environment	<ul style="list-style-type: none"> • staff's understanding of how to reduce harm, and their training needs
16(1)(e)	Providing all learners with information: <ul style="list-style-type: none"> • that supports understanding, acceptance, and connection with all learners, and collective responsibility for an inclusive learning environment • about the cultural, spiritual and community supports available to them 	<ul style="list-style-type: none"> • what an inclusive culture means to learners – ask them • how friends and whānau can be involved, and whether it is appropriate to do so. Ask learners and their networks how best to do this
16(1)(f)	Providing learners with accessible learning environments where they can connect with others, build relationships, support each other, and welcome their friends, families and whānau	<ul style="list-style-type: none"> • accessibility for those with disabilities, and how the environment can be adapted

Clause	Under Outcome 3, providers must:	Under Outcome 3, providers can think and tailor their approaches to:
Process 2: Supporting learner participation and engagement		
17(1)	Provide learners with opportunities to:	How to train or support staff to enable them to create safe shared space
17(1)(a)	Actively participate and share their views safely in their learning environment	Opportunities provided will depend on the context of the learning environment and the types of learner
17(1)(b)	Connect, build relationships and develop social, spiritual and cultural networks	Consider: <ul style="list-style-type: none"> • Opportunities that are internal and external (within the community) • What learners will deem safe spaces to share views • Connections with local iwi to support Māori learners. Local Tikanga will differ
17(1)(c)	Use te reo and tikanga Māori to support Māori learners' connection to identity and culture	
Process 3: Physical and digital spaces and facilities		
18	Have practices for:	Practices will depend on the context of the learning environment and the types of learner
18(a)	Providing healthy and safe learning environments	Consider: <ul style="list-style-type: none"> • Discussing with learners what a healthy and safe environment is to them • Asking learners, and outgoing learners, what are/were the barriers, and what support is needed • Learner's availability and engagement – ask learners how and when it is best to connect with them • Connecting with local iwi to support the design of environments. Local Tikanga will differ
18(b)	Identifying and, where possible, removing access barriers to provider facilities and services	
18(c)	Involving learners in the design of physical and digital environments when making improvements	
18(d)	Engaging with and involving Māori in the design of physical and digital environments, where appropriate	

Examples of Outcome 3 practice

The following examples provide an idea of what practice under Outcome 3 may look like:

Promote an inclusive culture by developing relationships and events with and for learners to celebrate diversity (clause 16).

What this may look like

- Embed whakawhānau at the start of term/class. This will enable learners and teachers to build relationships and find shared connections.
- Create a cross-cultural event calendar to acknowledge and celebrate diversity.
- Ask learners, during feedback sessions and in surveys, how they experience the culture of the organisation and how their own cultural needs are met.
- Ask learners how they would like to connect with each other.

Take time to understand the needs of their learners in transitioning into study at their institution, and support learners to successfully transition to tertiary study, progress and achieve results, and develop knowledge, skills and expertise in their area of study (clause 17(2)(a)).

What this may look like

- Engage with the learners prior to enrolment to understand what their needs are.
- Involve whānau from the outset, so that learners' support networks are included in open days, orientation and social events.
- For those without direct whānau support, consider trying to connect with their extended whānau or friends.
- Partner with relevant groups to help prepare learners for tertiary education. This may include learner groups, community groups, disability groups, iwi and Māori organisations, Pacific community groups and schools.

Provide relevant information to learners before they enrol, so they know what to expect as a tertiary learner and where they can access support (clause 17(2)(a)).

What this may look like

- A cultural perspective and awareness of the diversity of needs within groups of learners is taken when considering the information learners might need and how to best engage with them.
- Ask incoming learners about how they would like to be supported in their first weeks.
- If possible, consider a short trial at your organisation, or an interactive open day, where learners can experience the course and the learning environment ahead of signing up to ensure it is the right fit for them.

Undertake an audit of the physical and digital spaces and facilities (clause 18).

What this may look like

- If possible, conduct a formal audit to identify strengths and weaknesses.
- If a formal audit is not possible, consider working with learners to gain their feedback on the spaces, and make and begin to implement a prioritised action plan for improvements.
- Include questions on spaces and facilities in regular learner forums, surveys etc.

Tip

Key evidence for this outcome area will be learners' progress and achievement, and feedback about their experience of their learning environments and their transition to tertiary study. Consideration is given to Māori and Pacific learners' experiences and achievement.

Resources

Here is an optional list of resources that providers may find helpful:

Process 1: Safe and inclusive communities

- Resources on racism produced by the [Teaching Council of Aotearoa New Zealand](#) ('Unteach Racism'), [Human Rights Commission](#) and [United Nations Educational, Scientific and Cultural Organisation](#).
- [Pathways Awarua](#) has online learning module to support cultural capability.
- [United Nations Convention on the Rights of Persons with Disabilities](#) provides information on rights for disabled people to ensure “full and effective” participation in society.
- [Mental Health Foundation](#) – provides practical tools to help workplaces become more culturally responsive. Although aimed at workplaces, advice and guidance will be transferable to the education sector.
- [Wellstop – Whiria Te Tangata](#) – a sexual abuse prevention organisation that provides information, resources and links to agencies who provide help with sexual abuse.
- [Safe to talk – Kōrero mai ka ora](#) – provides contact with a trained sexual-harm specialist at any time, day or night, seven days a week; and other services such as information about medical, emotional and behavioural issues related to harmful experiences.

Process 2: Supporting learner participation and engagement

- The [School Leaver Toolkit](#) – provides advice and resources on tertiary education, moving out of home, getting a job, money and tax, and taking care of self and others.

Process 3: Physical and digital spaces and facilities

- [Ako Aotearoa and Tertiary Education Commission \(TEC\)](#) – provides tools to help educators support people who are learning online.

Outcome 04

Learners are safe and well

Outcome statement

Providers must support learners to manage their physical and mental health through information and advice, and identify and respond to learners who need additional support.

Applies to domestic and international tertiary providers



Overview

Outcome 4 of the Code ensures learners have the right foundations to support and manage their wellbeing whilst in tertiary study, and that providers have practices to proactively identify, monitor and respond effectively to learners at risk or in need of extra support.

Under Outcome 4, providers:

- support learners to identify and manage their basic needs, including accommodation, food and clothing, as well as how to maintain a healthy lifestyle
- give opportunities for learners to improve their physical and mental health
- make space for learners to raise any health and safety concerns they have for themselves, and/or their peers
- make arrangements with disabled learners to accommodate their learning needs
- proactively identify, monitor and respond effectively to learners' at risk and learner wellbeing and safety concerns
- have clear, appropriate pathways for learners at risk to access services when they need it
- record and inform learners' nominated contacts when appropriate.

Getting started on Outcome 4

When implementing Outcome 4, NZQA expects providers to prioritise the following basic requirements:

- Review current practice against the requirements of this outcome and make and begin to implement goals and plans to improve practices to address any gaps (clause 8).
- Have processes in place to proactively identify, monitor and respond to the wellbeing and safety needs of learners and risks to learners (as prescribed in clause 22).

Applying Outcome 4

The Code requires providers to put learner safety and wellbeing practices into their own context.

As Outcome 4 (processes 1 and 2) practices are not specified, there is flexibility for providers to determine which practices are appropriate in their circumstances, through a robust self-review process that includes learners and other key stakeholders, to achieve the aims of this Outcome.

Outcome 4, process 3 is more prescriptive, which is why it is considered a ‘basic requirement’ above.

However, within Process 3 there is also room for providers to make decisions about how exactly they will meet those process requirements.

The ways in which to meet the whole of Outcome 4 will differ between providers. The table below outlines this.

Clause	Under Outcome 4, providers must:	Under Outcome 4, providers can think and tailor their approaches to:
Process 1: Information for learners about assistance to meet their basic needs		
20(1)	<p>Have practices for enabling all learners and prospective learners to identify and manage their basic needs, including providing accurate, timely and tailored information on how they can:</p> <ul style="list-style-type: none"> • access services through the provider or through community and public services that will help them maintain reasonable standards of material wellbeing and safety • access suitable accommodation and understand their rights and obligations as a tenant in New Zealand; and • maintain a healthy lifestyle 	<p>What these practices look like – they will depend on the context of the learning environment and the types of learner</p> <p>Consider:</p> <ul style="list-style-type: none"> • needs of learners, in particular for housing, food and clothing • asking learners what information, and in what formats, would be helpful to them • external organisations to partner with to offer services and advice • the range of foods that will be healthy and enjoyed by learners • what is a reasonable cost to learners – ask them, and assess the food being/not being sold
20(2)	<p>If food is made available by the provider on campus or in student accommodation, the provider must ensure that the food available includes a range of healthy food options that is obtainable at a reasonable cost</p>	

Clause	Under Outcome 4, providers must:	Under Outcome 4, providers can think and tailor their approaches to:
Process 2: Promoting physical and mental health awareness		
21	Have practices for:	What these practices look like – they will depend on the context of the learning environment and the types of learner.
21(a)	Providing opportunities and experiences for learners that improve their physical and mental health and wellbeing and safety	Consider: <ul style="list-style-type: none"> asking learners what wellbeing means to them, and what practices will support their wellbeing
21(b)	Promoting awareness of practices that support good physical and mental health that are credible and relevant to learners	<ul style="list-style-type: none"> how to promote positive health practices – this could be through events, information sessions, or social media
21(c)	Supporting learners' connection to their language, identity, and culture	<ul style="list-style-type: none"> offer learners to develop and lead practices to support their wellbeing and that of their peers
21(d)	Providing accurate, timely information and advice to learners about – <ul style="list-style-type: none"> how they can access medical and mental health services through the provider or through community and public services, including culturally responsive services; how they can report health and safety concerns they have for their peers; and how to respond to an emergency and engage with relevant government agencies how they can make positive choices that enhance their wellbeing 	<ul style="list-style-type: none"> what health services are available in the community how best information is distributed to learners
Process 3: Proactive monitoring and responsive wellbeing and safety practices		
22(1)	Providers must have practices for –	
22(1)(a)	Requesting domestic learners 18 years and over provide a name and up-to-date contact details of a nominated person	How information is gathered, e.g. online form, portal. Consider how information will be accurately collected Tip: send a test email/text to the nominated person to ensure that the details are correct
22(1)(b)	Describing the circumstances in which the nominated person referred to in paragraph (a) should be contacted in relation to their wellbeing and safety	How to inform learners of when/how a nominated person will be contacted. For example, in contracts, enrolment conversations, orientation sessions

Clause	Under Outcome 4, providers must:	Under Outcome 4, providers can think and tailor their approaches to:
22(1)(c)	Contacting the person nominated by domestic learners 18 years and over, in the circumstances described in accordance with paragraph (b), or where the provider has reasonable grounds for believing that the disclosure is necessary to prevent or lessen a serious threat to the student's life or health	<p>How to contact the nominated person and the best way to immediately contact them</p> <p>Which staff member contacts them</p> <p>Tip: ensure sufficient training is provided to staff on how to do this</p> <p>Tip: consider asking the nominated person for their preferred contact method when collecting contact details</p>
22(1)(d)	Enabling learners to communicate health and mental health needs with staff in confidence, including accommodation staff, so that the provider can proactively offer them support	Communication channels and methods that will be used by learners to share concerns. Review methods to ensure they are accessible, culturally appropriate and safe
22(1)(e)	Providing opportunities for learners to raise concerns about themselves or others in confidence	<p>How learners are informed on the process, and what channels there are for learners to raise concerns.</p> <p>Tip: promote an open culture where learners can talk to peers freely and share any concerns they have of themselves or others (see Outcome 3)</p> <p>Tip: ensure that these opportunities respect the privacy of any individuals involved</p>
22(1)(f)	Identifying learners at risk and having clear and appropriate pathways for assisting them to access services when they need it	How staff can identify learners at risk will depend on your learning environments and course duration
22(1)(g)	<p>Identifying learners who are at risk of harming others, and:</p> <ul style="list-style-type: none"> • having clear and appropriate pathways for assisting them to access services when they need it; and • protecting learners and staff who experience harm from other learners and/or staff, including sexual assault 	<p>Pathways provided will depend on learners, their needs and context, and internal and external support available</p> <p>How staff can identify learners at risk will depend on your learning environments and course duration</p>
22(1)(h)	Making arrangements with disabled learners or those affected by health and wellbeing difficulties to accommodate learning needs, including for study off-campus	What arrangements to make – work with disabled learners, or associations, to understand their needs (see Outcome 2)
22(1)(i)	Responding to disruptive and threatening behaviour in a way that is sensitive to a learner's situation	How to respond to situations. Consider best practice methods for the situation. (See Resource section, Process 3)

Clause	Under Outcome 4, providers must:	Under Outcome 4, providers can think and tailor their approaches to:
22(1)(h)	Supporting learners whose study is interrupted due to circumstances outside their control, and providing inclusive, accessible re-entry processes for their transition back into tertiary study	How to support learners. Consider the context and needs of learners
22(2)	Providers must have up-to-date contact details and next of kin for domestic tertiary learners under 18 and international tertiary learners	<p>The format the contact details are available in, and who has access</p> <p>How to ensure learners can provide up to date contact details, consider sending regular reminders via email, or asking teaching staff to check details</p>
22(3)	Providers must contact the next of kin for domestic tertiary learners under 18 years and international tertiary learners if there is concern regarding the wellbeing or safety of a learner	<p>How to contact next of kin</p> <p>Where possible, consider staff members who can speak the next of kin's preferred language</p> <p>Tip: ensure sufficient training if provided to staff on how to do this, including the critical incident management plans and processes</p> <p>Tip: ensure that details are easily accessible, including in emergency situations, for example consider cloud storage with strong privacy and security settings</p> <p>Tip: consider asking the person for their preferred contact method when collecting contact details</p>
22(4)	Providers must maintain a record of reported risks, including any concerns raised in relation to the effective administration of this code	The format of the record held

Examples of Outcome 4 practice

The following examples provide an idea of what practice under Outcome 4 may look like.

Tailor information to what learners have told you about their basic needs (clause 20(1)).

What this may look like

- Share local and online networks on basic needs with learners.
- Ask for feedback from learners who have used the services promoted to them, to ensure they are helpful.
- Check in with learners on what their basic needs are through surveys, focus groups, and informal conversations. This may change overtime, and with different learner cohorts.

For those providers/student accommodation sites that provide food: Promote healthy food options by providing a range of food that is accessible and will be enjoyed by learners (clause 20(2)).

What this may look like

- Gain feedback from diverse groups of students to ensure the range and cost of food available on-site and in student accommodation meets their needs.
- Consider hosting events where learners can share healthy recipes, or meals, from their culture or background.
- Where appropriate, consider linking learners, or your organisation, with kai rescue services in your local area.

Tip

For providers that do not formally provide food options, and have learners with socio-economic need, it might be necessary to have some non-perishable food available for students who need a quick meal, or snack. In these instances, it is worth noting that something, even if not completely healthy, is 'healthier' than nothing – consider storing instant noodles, cereal bars, and frozen bread for toast.

Work with learners to better understand physical and mental health needs, and where awareness needs to be improved (clause 21).

What this may look like

- Ask learners to define their concept of physical and mental health to better understand what opportunities and experiences to provide.
- For example, some learners may find using Te Whare Tapa Whā, a Māori framework for holistic health, best aligns with their concept of health and wellbeing.
- Staff understand the cultural wellbeing needs of a diverse range of learners, for example Māori, Pacific, disabled and international, where consideration is given to the learning environment so that experiences are caring, nurturing and transformative.
- Cultural wellbeing is fostered through tikanga that are integrated in mana-enhancing ways for appropriate and relevant contexts.
- Create safe spaces and clear processes for learners to raise concerns and communicate needs (clause 21(ii) and clause 22(1)(d)).

What this may look like

- Explain that concerns and communication between learners and providers will be taken in confidence, and where this might be overruled by any immediate threats to life or that of others.
- See further information from the Privacy Commissioner [here](#) and [here](#).
- Promote openness by highlighting what support is available before students enrol, set out a one-month check-in after enrolment, which is continued across their studies.
- Run sessions between staff and students to build rapport and for students to see staff as approachable, and for staff to be available in student common rooms/areas.
- An open office hour with an appropriate staff member every day, week, or month, where appropriate.

Staff are trained and know how to identify learners at-risk and there are strong processes in place when emergencies occur (clause 22).

What this may look like

- Consider compiling information sheets for each learner to understand their holistic needs, and where additional support, or intervention is needed. Information can be sought during enrolment and individual check-ins. Ensure the Privacy Act is upheld through this process.
- Student support services are joined up and there are early detection systems, clear procedures and pathways for referring students to appropriate services and helping them access those services.
- Feedback is gathered in a collaborative way with students to understand where at-risk students are, or are not, being assisted to access the health services they need. This feedback is used to improve practices for identifying and assisting students to access the services they need.
- Situations, communications, the measures undertaken, and the effectiveness of those measures are accurately documented and shared with relevant services in appropriate ways, including what is culturally appropriate when working within a whānau collective system that fosters mana-enhancing relationships.

Resources

Here is an optional list of resources that providers may find helpful:

Process 1: Information for learners about assistance to meet their basic needs

- [Tenancy Services](#) has information and guidance on renting accommodation.
- The Ministry of Health provides [guidelines for healthy eating](#) and is a valuable source of information for determining if there is sufficiently healthy food available on your campus.
- Resources for healthy eating, food safety and diabetes, plus culturally appropriate resources, can be found at [HealthEd](#).

Process 2: Promoting physical and mental health awareness

- [Mental Health Foundation](#) provides information and resources on Te Whare Tapa Whā.
- The [Health Promotion Agency](#) promotes health and wellbeing, encourages healthy lifestyles, and offers a large range of information and support.
- [Te Rau Ora](#) strengthens Māori health and wellbeing.
- [Le Va](#) works alongside the services and people who deliver health and wellbeing services to develop flourishing Pacific communities who are reaching their full potential.
- [Nau Mai](#) is a website from Education New Zealand to support international students.

Process 3: Proactive monitoring and responsive wellbeing and safety practices

- [Achieve](#) is a national service that helps tertiary education providers meet disabled students' needs. It includes information on [Kia Ōrite](#), which is the New Zealand Code of Practice for an Inclusive Tertiary Education Environment for Students with Impairments.
- [Firstport](#) provides a range of services for disabled students, including financial services, information and advice, help with equipment and transport, and advice relevant to education and employment.
- The Human Rights Commission has a [guide](#) to reasonable accommodations of persons with disabilities in New Zealand, including in tertiary education settings.
- [Whāia te Ao Mārama 2018-22](#) sets out the national action plan for supporting Māori with disabilities.

Section 04

Part 5 of the Code:
Outcomes 5-7 –
additional wellbeing
and safety practices
in tertiary student
accommodation



Outcomes 5-7 cover the pastoral care of tertiary learners in student accommodation (using the Code's definition of student accommodation under section 5B of the Residential Tenancies Act).

All requirements relate to domestic and international tertiary learners and are signatory requirements where they relate to international tertiary learners.

Tertiary providers are responsible for ensuring requirements are met in student accommodation.

Key changes to requirements for student accommodation

There are minor amendments to the Code outcomes for student accommodation (in comparison to the outgoing 2019 interim domestic Code (IDC)). Please be aware that some provisions that were specific to student accommodation in the previous Code are now in Outcomes 1-4 as part of the whole-of-provider approach to learner safety and wellbeing. Outcomes 1-4 also apply to student accommodation. Changes can be found in NZQA's [Code-to-Code Comparison Tool for Providers with Student Accommodation](#).

This guidance is therefore largely unchanged from NZQA's 2020 implementation guidance for the IDC.

Select committee inquiry into student accommodation

The Education and Workforce Committee of the 52nd Parliament initiated an inquiry into student accommodation in June 2020 and reported in April 2021. The inquiry sought to learn more about the experiences of learners with student accommodation and to enable submissions to inform the development of this new Code. This inquiry received 148 submissions (including 30 oral submissions) from individuals and organisations and resulted in 7 recommendations to the Government.

The Government accepted and agreed with the recommendations, which included specific recommendations for the development of the 2021 Code regarding:

- transparency on ownership and operations of student accommodation
- raising the standard of training provided to all accommodation staff
- strengthening learner voice in decision making practices of providers.

These recommendations have been enacted in the outcomes 1, 2, 5 and 6 of the Code.

See [Government Response to the Report of the Education and Workforce Select Committee on its Inquiry into Student Accommodation](#) for more information.

Third-party or external student accommodation providers

It is important to note that the entire Code, including Outcomes 5-7, applies to tertiary education providers, and the tertiary education provider is responsible for ensuring that student accommodation complies with Outcomes 5-7.

If you, as a tertiary education provider, work with a third party or external accommodation provider, you are advised to have robust contracts and processes in place to ensure the accommodation provider complies with the tertiary and international learners Code, as any breach will be the responsibility of the tertiary education provider.

We recommend you have oversight of all processes in the Code that relate to student accommodation. This may look like:

- Information provided to residents by the accommodation provider approved by you.
- Information that is gathered by the accommodation provider is shared with or reported to you as part of the whole-of-provider approach to learner safety and wellbeing. This may result in you taking action when appropriate or ensuring the accommodation provider takes appropriate action as required.
- The processes and practices put in place by the accommodation provider are approved by you, and you are satisfied they are being followed.

This is particularly critical when a third party or external accommodation provider has facilities which accommodate residents from multiple distinct tertiary education providers.



Guidance for Outcomes 5-7 is structured as follows:

Outcome statement	Restates the Outcome, directly from the Code.
Overview	Outlines the intent of the Outcome.
Good practice	Outlines what good practice under this outcome will generally look like.
Processes and key clauses	<p>Identifies all processes within the Outcome, and key clauses.</p> <p>Examples and considerations provided are how the Outcome <i>may</i> look like in practice, for some providers.</p> <p>Includes a list of optional resources optional resources to use, which providers may find helpful. These have been taken from across a wide range of sources.</p> <p>Providers are not required to use them.</p> <p>This list is not exhaustive, and providers may find their own resources better suited to their needs.</p>

Outcome 05

A positive, supportive and inclusive environment in student accommodation

Outcome statement

Providers must ensure that student accommodation promotes and fosters a supportive and inclusive community which supports the wellbeing and safety of residents.

Applies to providers with student accommodation



Overview

Outcome 5 works to ensure student accommodation residents are well supported through information provided, accommodation staff and their community.

Good practice

- The student accommodation provides a communal environment where residents experience healthy living and social wellbeing.
- Providers ensure residents have a positive and supportive residential environment that meets their needs, including their cultural, social and learning needs.
- Providers know and understand the diversity of their residents, listen to their residents' experiences and suggestions as to how they might improve the residential environment, and implement appropriate changes in a timely manner, and/or develop an improvement plan that is implemented and tracked.
- This is demonstrated through evidence of residents' experience of their residential environment. Particular consideration is given to the experiences of Māori, Pasifika, disabled and international residents. First year residents and residents who may need extra support are also given specific consideration.

2019 Code changes to note

Required Code processes in this Outcome have been updated to:

- increase transparency of systems and promotional materials to allow prospective residents to make informed decisions regarding student accommodation
- align the whole-of-organisation approach to resident safety and wellbeing
- provide for the welfare and safety of accommodation staff
- involve residents in the creation of plans to support their personal and communal safety and wellbeing.

Processes and key clauses

24. Process 1: Information and promotional activities

24(1) Providers must ensure student accommodation has practices for –

- (a) *ensuring residents receive clear, sufficient, accurate and transparent information and advice about the type and nature of student accommodation and services provided.*

What this may look like

- Prospective residents are provided with accurate and clear information on what to expect from the accommodation provider, what accommodation options and additional services are available, and what it would be like to live in that accommodation. This is provided along with other pre-entry material given to prospective residents.
- Prospective residents are provided with relevant information to help them understand the full costs of living in student accommodation, such as information about fees and costs for additional services.
- Prospective residents are informed of the links between the tertiary education provider and the student accommodation, including the ownership structure or any third-party service agreements.
- Consideration is given to what is important for Māori, Pacific, disabled and international residents when providing information about accommodation services to prospective residents.

24(1) Providers must ensure student accommodation has practices for –

- (b) *using information provided by prospective residents at the time of application, to help plan their transition into student accommodation.*

What this may look like

- Prospective residents are placed in accommodation that is appropriate for their age, individual needs and the level of support they require. Information provided by prospective residents is taken into consideration to ensure they are placed in appropriate accommodation where they will be best supported.
- Learners are able to elect to be in accommodation that can cater to their identity, language and culture, including meeting dietary requirements, having alcohol-free spaces, proximity to spaces for prayer or cultural gathering, and being accommodated with others of similar cultural, ethnic or religious background.

- Plans are developed with residents who require additional support to transition into student accommodation.

24(1) Providers must ensure student accommodation has practices for –

(c) working with residents to develop and provide information and tools that help residents understand their responsibilities within a communal living environment, including those relating to diversity.

What this may look like

- A variety of media is used to communicate residents' responsibilities to them. This may include written responsibilities, house rules, a code of conduct, workshops, presentations and online media used to help residents understand how they can affect those around them and how they can contribute to an inclusive communal living environment.
- An inclusive environment for all residents, irrespective of their cultural, ethnic, religious, linguistic, socio-economic or academic background, gender identity, sexual orientation, or any other identity they choose to express, is promoted, and feedback from residents is sought to understand how inclusive the environment is for them.
- Feedback from residents on the information provided is sought and used to improve the quality of information supplied, especially for Māori, Pacific, disabled and international residents.

24(1) Providers must ensure student accommodation has practices for –

(d) providing residents with learning and peer support, and information on –

- i. Self-care and positive wellbeing and safety.*
- ii. How to access wellbeing services on campus and in the community.*
- iii. How to provide peer support to other residents.*

What this may look like

- Residents are provided with information and advice on self-care, positive wellbeing, and providing peer support during orientation.
- Residents know how to, and are supported to, access the pastoral care services that are available on-site, in the community, online or by telephone. Consideration is given to what is important for Māori, Pacific, disabled and international residents when providing information and support to access these services.

- Feedback is gathered collaboratively with residents, in culturally appropriate ways, to understand where their pastoral needs may not be getting met and where they need additional support. This feedback is used to improve the information provided and the practices for assisting residents to access the pastoral care services they need, and barriers to residents seeking pastoral care services are identified and eliminated.

- Residents have access to peer support and learning support in their accommodation, on-campus, or online. Māori, Pacific, disabled and international residents have equity of access to peer support and learning support through culturally appropriate and tailored support services and peer support programmes.

24(1) Providers must ensure student accommodation has practices for –

(e) providing residents with information and advice on what action to take in an emergency and the mechanisms for reporting incidents and raising health and safety concerns.

What this may look like

- Residents are aware of emergency procedures and what action they should take in an emergency, including how to access and use first aid and emergency equipment, such as defibrillators and fire alarms.
- Fire drills and other emergency drills are conducted as required, and evaluations on how they went are used to improve communications with residents, to ensure they understand and follow procedures.
- Processes for reporting incidents and raising health and safety concerns are clear, easy to follow, and made known to residents. Residents are encouraged and supported to report incidents and concerns, and barriers that may hinder them reporting incidents or concerns are identified and mitigated.
- Residents are aware of the processes for how concerns and incidents are dealt with, and how they and other relevant parties will receive notification of the outcome or action taken.

Resources

[The Ministry of Education](#) has information and resources for schools to help them prepare and deal with emergencies and traumatic incidents.

[The New Zealand Police](#) provide and [Get Ready](#) have information about what to do in various types of emergencies.

24(2) The information required by this clause must be readily available, accessible, and promoted to residents.

What this may look like

- The above information is provided to residents in a variety of ways such as posters in communal areas, in handbooks or guidelines, online, through social media and in person, and in appropriate languages and formats, to meet the needs of residents.
- Residents know where to access all the above information and where to go to ask questions and get additional information as required.



Resources

The Department of Internal Affairs provides guidance on [The New Zealand Web Accessibility Standards](#) to make sure everyone, including disabled people and those using assistive technologies, can access online information and services.

25. Process 2: Accommodation staff

Accommodation staff includes all full-time and part-time staff who are employed or contracted to work within the student accommodation.

Providers must ensure that –

25(a) accommodation staff are provided with ongoing training and resources that are appropriate for their role as set out in clause 10(2).

What this may look like

- Staff are trained and have resources to understand:
 - the limits of their role and at what point and to whom they should escalate a health or wellbeing issue
 - how and when to refer residents to internal services or external service providers
 - how to access and use first aid and emergency equipment such as defibrillators and fire alarms
 - the procedures and timeframes for reporting incidents or concerns
 - how to encourage residents to have a healthy lifestyle
 - how to access wellbeing support for themselves.
- Accommodation staff are supported with ongoing access and opportunities to additional training and resources to support their professional development.
- See Outcome 1 for further information.



Resources

- Te Tiriti o Waitangi
 - [Te Arawhiti – The Office for Māori Crown Relations](#) provides information, including on building closer partnerships with Māori.
 - [Ako Aotearoa](#) provides public workshops and courses for tertiary staff.
- Code obligations
 - NZQA provides free and ongoing training sessions on the Code. [See website for details.](#)
- Privacy and safe handling of personal information
 - [Office of the Privacy Commissioner](#) provides free online privacy education.
- Wellbeing and safety awareness
 - [Blueprint for Learning](#) provides Mental Health 101. Training providers can send up to 5 people to a workshop at no cost.

*Providers must ensure that –
25(b) the experience and training of accommodation staff is appropriate for the type and nature of accommodation that is being provided.*

What this may look like

- Staff have the appropriate competencies and skills for the age, cultural background and needs of the residents they work with.
- This may include being able to communicate well with residents and young people, having the experience to deal with unexpected situations that may come up.
- This may include understanding tikanga, kaupapa, te reo, ako and te ao Māori, and Pacific customs and protocols.
- This may include staff with experiences of working with disabled residents and needs of international students.
- Accommodation staff are supported with ongoing access and opportunities to additional training and resources to support their professional development (see Outcome 1).

*Providers must ensure that –
25(c) there is managerial oversight of accommodation staff at all times (24 hours a day, 7 days a week) so that issues can be escalated when they occur.*

What this may look like

- A senior staff member or manager is available and contactable 24/7 by staff in an emergency or when an issue needs escalation, and staff know who to contact and how.
- Staff understand the types of situations they should escalate to the manager with oversight and when they should use national emergency services (111).

*Providers must ensure that –
25(d) the level of live-in accommodation staffing provides appropriate oversight and support for residents based on the type and nature of accommodation (for example, a higher level of staffing for halls of residence primarily intended for first-year learners).*

What this may look like

- The number of live-in staff is adequate to provide the support and oversight required for the number of residents in the accommodation, allowing for absences due to sickness, planned or unplanned leave, and other scenarios.
- The ratio of live-in staff to resident is appropriate to the type and nature of the accommodation, with a hall of residence for predominantly first-year residents requiring a higher ratio than studio rooms or apartments for more mature residents.
- The number of residents and their ages, backgrounds and known needs are considered when assigning live-in staff members.

*Providers must ensure that –
25(e) there is ongoing wellbeing support for accommodation staff.*

What this may look like

- Support programmes and structures are developed in conjunction with accommodation staff, managers and senior leadership to effectively meet the wellbeing support needs for accommodation staff.
- Wellbeing support systems, programmes and processes are not one-size-fits all but are responsive to the needs of staff.



Resources

[EAP Services](#) delivers support to employees whose workplaces are registered.

[Guidance on general mental health and wellbeing in the workplace](#) is available from the Ministry of Business, Innovation and Employment and the Health Promotion Agency.

The Mental Health Foundation of New Zealand provides the following guide to support someone experiencing mental distress, with the aim to retain them in the workforce. [Open Minds – A Guide for Managers](#).

26. Process 3: Accommodation staff must be fit and proper persons

26. Providers must take all reasonable steps to ensure that each member of the accommodation staff –

- (a) Is suitable for employment in student accommodation.
- (b) Are the subject of a Police vet where required under the Children’s Act 2014 if the accommodation includes learners who are under 18.

What this may look like

- A fit and proper person is a person who is of good character who abides by the laws of New Zealand and elsewhere and is likely to continue to do so while being employed at student accommodation as a member of the accommodation staff.
- Take relevant background and reference check. Where required under the Children’s Act 2014, police vetting is conducted to ensure accommodation staff are fit and proper persons and checks are regularly updated as appropriate.

Resources

The New Zealand Police has information about the vetting process.

The Ministry of Justice has information about understanding an employer’s responsibilities to conduct the required safety checks.

27. Process 4: Proactively monitoring of residents’ wellbeing and safety and responsive wellbeing and safety practices

27(1) Providers must ensure student accommodation has practices for –

- (a) working with residents to evaluate their needs and planning how these can be reasonably and practicably met and monitored.

What this may look like

- Information provided by residents and incidents or situations that occur are evaluated to identify residents with specific needs and to develop plans to meet or monitor those needs.
- Plans are developed in partnership with the resident who has the need, to ensure the need is appropriately met.
- Processes are in place to monitor residents with specific needs appropriately.

27(1) Providers must ensure student accommodation has practices for –

- (b) having clearly defined processes within the student accommodation for –
 - i. Residents, staff, or visitors to be able to report a cause for concern about a resident’s behaviour.
 - ii. Referring and responding to instances of resident behaviours that are a risk to self and others.

What this may look like

- Establishing and monitoring a reporting webform, email inbox, or 0800 number which captures consistent key information, such as:
 - o details of who submitted the report
 - o who the report is about
 - o the nature and severity of the concern and
 - o details of when and where it occurred.
- Publishing contact information and guidance on how to report causes of concern on the student accommodation website, in house rules and on digital/physical noticeboards.
- Accommodation staff are familiar with the processes and know when and how to respond to concerning behaviour, when to refer a resident and who to refer them to.

27(1) Providers must ensure student accommodation has practices for –

(c) *having appropriate welfare safeguards, including –*

- i. developing and implementing a welfare management plan for residents assessed as being at risk, that includes welfare checks, and which could include referral to external services.*
- ii. systems to regularly check that residents continue to be active within their student accommodation and, if a resident is identified as being at risk, developing and implementing a welfare management plan.*
- iii. appropriate arrangements for residents under 18, including for effective communication with a parent or legal guardian regarding wellbeing and safety.*
- iv. welfare checks, which may be undertaken where reasonable in the circumstances (this information must be clearly set out in the house rules for residents).*
- v. routine checks providing 24 hours' notice to a resident if staff members will be entering a resident's room.*

What this may look like

- A welfare management plan is developed for at-risk residents, detailing how the resident's welfare will be monitored and what action will be taken should concerns arise, including escalation or referral to external services. The plan is developed in partnership with the resident, where possible, and takes into consideration the cultural and other needs of the resident.
- Systems to regularly check that residents continue to be active within their student accommodation are in place and help to identify residents who are at risk. Where a resident is identified as being at risk, a welfare management plan is developed and implemented.
- The processes for referring and responding to resident behaviours ensure residents are treated fairly, effectively and are appropriately supported throughout the process, and ensure the cultural safety of residents.

- Accommodation staff are familiar with the processes and know when and how to respond to concerning behaviour, when to refer a resident and who to refer them to.
- Residents under the age of 18 have appropriate arrangements in place to ensure their welfare, including a communication plan detailing what will be communicated with parents/legal guardians, the frequency of communications, and what additional communications may be required in the case of an emergency or concern.
- Information is included in the house rules advising residents that staff members can enter a resident's room without permission for safety and health reasons.
- Information is included on routine checks in house rules, or enrolment form, and set dates/time are given to residents at least 24 hours in advance.

27(2) *Providers must have a link between student accommodation and its organisation's wider information gathering and communication system described in clause 10(1), to report any emerging concerns about a resident's wellbeing or their behaviour, so residents can be connected quickly to the appropriate services.*

What this may look like

- Processes are in place to appropriately share information across student accommodation, academic and learner services where there are concerns about a resident's wellbeing or behaviour, in order to connect them with the appropriate support services.
- This may include monitoring attendance in lectures, tutorials and other classes, and monitoring academic performance, with sudden or unexplained changes being followed up with support and advice as required.
- Reporting across the information sharing system is consistent. There are clear protocol and thresholds for sharing information and referring residents to appropriate services, which are in accordance with the principles of the Privacy Act.

27(3) Providers must ensure that there is a critical incident and emergency procedures manual in student accommodation which –

- (a) is consistent with the provider’s wider organisational manual described in clause 10(3)(e).
- (b) includes plans for residents when it becomes unsuitable or unsafe for them to remain in student accommodation in an emergency.

What this may look like

A critical incident and emergency procedures manual for the student accommodation is available and kept up to date, and includes:

- processes for staff to follow in a critical incident or emergency that are specific to the accommodation and cover the immediate actions staff should take and any follow-up actions
- processes for connecting with external service providers, police, hospitals, relevant government agencies, etc, as required
- debriefing processes to support residents and staff following a critical incident or emergency, including culturally appropriate support and victim support as needed, and harm reduction interventions.

Resources

- NZQA’s website includes [critical incident plans and advice](#).
- The [Ministry of Education](#) has information and resources for schools to help them prepare for and deal with emergencies and traumatic incidents. Although aimed at schools, this information can also be of use for tertiary education providers.
- [Victim Support](#) is an incorporated society which provides free emotional support to help victims of serious crime and trauma. Victim Support can be contacted by phone at 0800 842 846.

28. Process 5: A safe and inclusive residential community

In addition to the requirements described in Outcome 3, providers must ensure student accommodation has practices for –

- (a) ensuring that house rules are clear, reasonable, and accessible to residents, and that they promote and encourage –
 - i. resident safety.
 - ii. a sense of community and association with fellow residents.
 - iii. learning and personal growth.
 - iv. residents and staff working together to ensure a positive and respectful community.

What this may look like

- House rules and guidelines are provided to residents in a variety of ways and remain easily accessible and available for residents to refer to at any time.
- House rules and guidelines promote and encourage:
 - resident safety – through policies on health and safety, drug and alcohol use, etc
 - a sense of community and association with fellow residents and accommodation staff – through setting out residents’ responsibilities within the community of the accommodation and outlining unacceptable behaviour
 - learning and personal growth – through establishing quiet zones/times for study, personal responsibility, self-management, etc.
- House rules and guidelines address what is important for the various needs of residents, and are regularly reviewed, including seeking feedback from residents.

28. In addition to the requirements described in outcome 3, providers must ensure student accommodation providers have practices for –
(b) working with residents to –

- i. develop and improve house rules.
- ii. develop and maintain appropriate initiatives to build a sense of community within student accommodation.
- iii. promote responsible social behaviour and academic success.

What this may look like

- House rules are established that are reasonable, culturally appropriate, and acceptable to residents.
- House rules promote and encourage:
 - a sense of community and association with fellow residents, through setting out residents' responsibilities within the community of the accommodation and promoting a culture of inclusiveness and caring
 - the health and social wellbeing of residents, through rules about residents holding social events, alcohol and drug use, and safety
 - an environment of study and learning.
- Seeking feedback from residents during regular intervals about their accommodation experiences.
- Activities and programmes that build a sense of community and promote safe peer support are developed in partnership with residents. This may include workshops on practical skills for residents, and culturally appropriate activities and programmes.
- Residents are encouraged and enabled to organise and hold their own events for the residential community, as appropriate.
- Common space in the accommodation is designed to promote a sense of community, and residents have input into how common spaces are designed and used.
- Residents are aware of their responsibilities within the residential community, and responsible social behaviour, including acceptance and inclusiveness, is actively promoted.
- A culture of academic achievement is encouraged in the residential community, and residents are encouraged and supported to establish study groups to support their learning and respect quiet study zones or times, where applicable.
- A diverse range of residents' perspectives contribute to establishing a supportive learning environment and inclusive residential community that addresses what is important for them.

Outcome 06

Accommodation administrative practices and contracts

Outcome statement

Providers must ensure that student accommodation contracts and practices are transparent, reasonable, and responsive to the wellbeing and safety needs of residents.

Applies to providers with student accommodation



Overview

Outcome 6 ensures residents are clear on the nature of the accommodation and the support structure within it. This Outcome also ensures student accommodation is connected to the wider organisation, and the whole of provider approach (Outcome 1).

Processes and key clauses

30. Process 1: General principles

Providers must ensure that student accommodation providers have practices that include –

- (a) *disclosing on its website –*
- i. the ownership structure and operator details of its student accommodation arrangements.*
 - ii. the details of the wellbeing and safety practices offered at each student accommodation facility.*

What this may look like

- Student accommodation providers' websites contain information that clearly shows the ownership structure and operator details, for example if the student accommodation is owned by the provider, or if it is owned by a third-party operator.
- The website provides clear information on what wellbeing and safety support services are available to residents.
- This information can be easily found on the website and understood by prospective/current residents, and where relevant, their whānau and/or other stakeholders.

30. Providers must ensure that student accommodation providers have practices that include –

- (b) *a human resource strategy which –*
- i. requires the job descriptions for all accommodation staff to clearly describe –*
 - a. the duties and responsibilities of the role in relation to the learner wellbeing and safety.*
 - b. the relevant competencies and attributes that a person must demonstrate to be able to fulfil that role, and the ongoing training that will be available to develop these competencies.*
 - ii. sets out the support services that are available to ensure the wellbeing and safety of accommodation staff in carrying out their duties and responsibilities.*

What this may look like

- The human resource strategy includes in-depth job descriptions clearly outlining the roles and responsibilities of accommodation staff, including expectations, boundaries and limitations.
- Each role has a clear job description that includes the type and extent of pastoral care expected in that role, and the competencies and attributes required for that role. Consider the needs of diverse range of learners, including Māori, Pacific, disabled and international when creating job descriptions. For example, this may include understanding tikanga, kaupapa, te reo, ako and te ao Māori, and Pacific customs and protocols.
- Formal and informal training opportunities are planned for each accommodation staff member based on their professional/personal backgrounds and those of the student residents in their care.
- The human resource strategy outlines the approach to ensuring the wellbeing of accommodation staff, including having support services available.



Resources

EAP Services Limited delivers support to employees whose workplaces are registered.

31. Process 2: Student accommodation contracts

31(1) Providers must ensure that a student accommodation contract with a resident –

- (a) is clear, accessible and concise.
- (b) sets out the responsibilities of the provider and the resident.
- (c) advises residents of the requirements for –
 - i. information sharing across the provider.
 - ii. the regular processes for checking on residents.
- (d) sets out the deposit, bond components, fees, refund policy and penalties.
- (e) sets out the complaints, conflict resolution, and disciplinary processes in relation to residents.

31(2) Providers must ensure that the student accommodation contract used with residents is reviewed and updated regularly to ensure it remains fit for purpose in relation to wellbeing and safety matters, taking into account the views of learners and their representative bodies.

What this may look like

- The student accommodation contract with a resident meets requirements 31(a)–(e) as described in the Code. It has all necessary details upfront so there are no surprises.
- The contract is regularly reviewed and updated. The review process incorporates feedback from residents, including Māori and Pacific, disabled and international residents, and residents' representative bodies to ensure the contract is fit for purpose and meets the pastoral care needs of residents.

31(3) Providers must ensure student accommodation refund policies –

- (a) are reasonable.
- (b) provide residents (or a parent or legal guardian of residents under 18 years) with sufficient information to understand their rights and obligations under those refund policies.

What this may look like

- A reasonable refund policy considers what is 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.

- The conditions under which refunds will be made are clearly presented in the information provided to residents, their families or legal guardians. This information is included in the student accommodation contract, house rules, on your website and other documentation provided as part of the application process.

31(4) Providers must ensure student accommodation providers give prospective residents a copy of the house rules, and information about the complaints process and the Dispute Resolution Scheme before they sign the accommodation contract.

What this may look like

- Prospective residents receive a copy of the house rules before they are asked to sign an accommodation contract and understand that by signing the contract they are agreeing to the terms in the contract as well as the house rules.

31(5) Providers must ensure that accommodation providers keep a log of complaints received from residents concerning a breach or breaches of this code in relation to student accommodation and make this log available to the residents.

What this may look like

- All complaints regarding accommodation, including complaints about catering, cleaning and the condition of the accommodation and facilities are logged as soon as practicable.
- The complaints log is kept up-to-date and includes details such as the date, the nature of the complaint or alleged breach, names of affected parties, action taken, and outcome or resolution.
- Trends, patterns or areas of concern identified in the complaints log are noted and followed up appropriately.
- The log is kept securely in digital form or on paper, and the privacy of people named is protected appropriately.

Outcome 07

Student accommodation facilities and services

Outcome statement

Providers must ensure that student accommodation facilities and services are maintained to a standard sufficient to support residents' wellbeing and safety and educational success.

Applies to providers with student accommodation



Overview

Outcome 7 ensures that student accommodation supports residents by considering, and responding, to their needs both in physical space and through provision of services.

Good practice

- The accommodation facilities and services comply with all relevant legislation, regulations and codes.
- Residents' wellbeing and educational success is supported, as demonstrated through evidence of residents' experience of the services and facilities in their accommodation. Particular consideration is given to the experiences of Māori, Pacific, disabled and international students. First year students, students who may need extra support, and diverse or underrepresented groups are also given specific consideration.
- Providers know and understand the diversity of their students, listen to their students' experiences and suggestions as to how they might maintain the accommodation facilities and services to support residents' wellbeing and success, and implement appropriate changes in a timely manner, and/or develop an improvement plan that is implemented and tracked.

2019 Code changes to note

Required Code processes relating to accessibility of facilities and services have been strengthened.

For example, clause 33(1)(c) includes specific requirements for facilities to be clean, dry, warm and accessible in addition to the previous requirements for facilities and services to be secure, comfortable and conducive to study.

Processes and key clauses

33(1) Providers must ensure that student accommodation facilities and services –

(a) respond effectively to the diverse needs of residents and make necessary adjustments where practicable.

What this may look like

- The student accommodation meets the needs and aspirations of residents. This may include having culturally appropriate spaces and conventions, appropriate areas for residents to practise their religion or culture, and areas and facilities to meet residents' physical and social needs.

- Feedback from residents, including Māori and Pacific residents, is sought to ensure their specific needs and aspirations are being met, and improvements are made in response to feedback. Obstacles for particular groups of residents are identified and minimised.
- Accommodation staff identify residents who are experiencing difficulties, whether due to a disability, injury, illness, event, personal circumstance or any other cause. Support is given to the resident experiencing difficulties and, where possible, adjustments are made to the accommodation or practices to address those difficulties.
- Feedback is sought from residents to understand where they are experiencing difficulties and what additional support they need or what changes need to be made.

33(1) Providers must ensure that student accommodation facilities and services –

(b) provide accessible spaces for a range of interests, activities and needs.

What this may look like

- Residents have appropriate spaces for holding their own events and activities.
- Feedback from residents is sought to ensure there is enough communal space and it meets residents' needs.
- Common space in the accommodation is designed to promote a sense of community and encourage social interaction and activities. It has suitable open and communal spaces for residents to sit, study, eat and meet, and appropriate and adequate space for running activities for residents.

33(1) Providers must ensure that student accommodation facilities and services –

(c) are secure, clean, dry, warm, comfortable, accessible, and is conducive to study and a variety of learning styles.

What this may look like

- Student accommodation is well-maintained and comfortable, and appropriate measures are in place to ensure the accommodation is secure and residents are safe.
- Consideration is given to what residents say is important for them in their accommodation, and in particular what is important for Māori and Pacific residents.
- Spaces for group and individual study are provided and, where appropriate, quiet study zones or quiet times for study are reserved and enforced.

33(1) Providers must ensure that student accommodation facilities and services –
(d) provide utilities, services and other facilities that are adequate and appropriate for the character and size of the residential community.

What this may look like

- Enough utilities, services and other facilities are provided for the number of residents, and they are appropriate for the type and nature of the accommodation.
- Feedback is sought from residents, including Māori and Pacific residents, to ensure the utilities, services and facilities provided meet their needs and are adequate. Shortfalls are addressed.

33(1) Providers must ensure that student accommodation facilities and services –
(e) have appropriate insurance cover.

What this may look like

- The insurance cover for the student accommodation adequately covers material damage, business interruption and liability, and is with an appropriate licensed insurer.

33(1) Providers must ensure that student accommodation facilities and services –
(f) are funded adequately to carry out strategic goals and strategic plans for student accommodation, including repairs, replacement, and improvements.

What this may look like

- The student accommodation has enough funding to carry out its purpose and its approach to providing student accommodation and associated support, including pastoral care, as described in providers' strategic goals and strategic plans. It also has enough funding to carry out repairs and maintenance, replacing and upgrading assets and services as required, and making improvements.

33(1) Providers must ensure that student accommodation facilities and services –
(g) Have adequate and appropriate controls in place to ensure accountability for financial processes including –

- i. Providing receipts for all financial transactions with the resident.
- ii. Providing residents with up-to-date information on what they owe to the accommodation provider.

What this may look like

- The student accommodation has sound financial processes in place that include providing receipts for all financial transactions and providing up-to-date information on what residents owe to the accommodation provider.
- Appropriate financial controls are in place to adequately monitor and control the direction, allocation and usage of the accommodation's financial resources. The student accommodation is accountable for the use of its financial resources, and reports on its financial performance appropriately.

33(2) Providers must ensure that any alterations, maintenance and repairs to student accommodation are undertaken in a timely manner that minimises interference with the quiet enjoyment of the residents.

What this may look like

- Alterations, maintenance and repairs to student accommodation are done as quickly as possible and in a way that minimises the inconvenience and disruption to residents in their living environment.
- Conducting planned alterations, maintenance and/or repairs outside of study weeks and/or exam periods.
- There are clear, established methods and channels for informing residents of planned and reactive maintenance
- Residents who will be impacted by reactive work are proactively informed as soon as practicable.

Section 05

Part 6 of the Code:
Outcomes 8-12 –
additional wellbeing
and safety practices
for tertiary providers
(signatories) enrolling
international learners



Outcomes 8 to 12 set out specific pastoral care requirements for international tertiary learners.

These requirements are **in addition** to the requirements of Outcomes 1-4 (mandatory for all tertiary providers, including international providers) and Outcomes 5-7 (mandatory for all tertiary providers with student accommodation, including international providers).

Key changes to requirements for international tertiary learners

This Part consolidates the ten outcomes for international students from the outgoing 2016 international Code (IC) into five outcomes for international tertiary learners. Some processes from the IC have been moved and incorporated into Outcomes 1-4 of the 2021 Code, because they apply to all tertiary learners.

While the structure of the outcomes and required processes has changed, the previous IC requirements are retained for international tertiary learners in the 2021 Code, to reflect their distinct needs. There are minor amendments, and these can be found in NZQA's [Code-to-Code Comparison Tool for Tertiary Signatories](#). This guidance is therefore largely unchanged from NZQA's previous guidelines for the IC.

Please note, Outcome 8 does not have any key processes, and has a different structure to Outcomes 9-12.



Guidance for Outcomes 9-12 is structured as follows:

Outcome statement	Restates the Outcome, directly from the Code.
Overview	Outlines the intent of the Outcome.
Processes and key clauses	<p>Identifies all processes within the Outcome, and key clauses.</p> <p>Examples and considerations provided are how the Outcome <i>may</i> look like in practice, for some providers.</p> <p>Includes a list of optional resources optional resources to use, which providers may find helpful. These have been taken from across a wide range of sources.</p> <p>Providers are not required to use them.</p> <p>This list is not exhaustive, and providers may find their own resources better suited to their needs.</p>

Outcome 08

Responding to the distinct wellbeing and safety needs of international tertiary learners

Outcome statement

Signatories must ensure that practices under this code respond effectively to the distinct wellbeing and safety needs of their diverse international tertiary learners.

Applies to all international tertiary providers



Overview

Outcome 8 requires providers to appropriately consider and respond to the distinct needs of international tertiary learners when giving effect to Outcomes 1–7 of the Code.

This outcome does not have any specific required processes.

Key considerations when responding to international tertiary learner needs

Cross-cultural awareness

The Code requires providers to provide staff with ongoing training and resources about understanding the welfare issues of diverse learner groups and appropriate cultural competencies (Outcome 1, clause 10(2)(c)).

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

Consider getting involved with national and international professional bodies which focus on international education and tertiary learner services, such as [ISANA International Education Association New Zealand \(ISANA NZ\)](#) and the [Australia and New Zealand Student Services Association Ltd.](#)

Remember that international tertiary 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 tertiary 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. Others may be unfamiliar with, for example, appointment systems, or having to go to different staff members for different problems.

Some tertiary 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.

Be proactive

The Code requires providers to proactively identify learners at risk and to assist them to access services and support when they need it (Outcome 1, Process 4; Outcome 4, Process 3).

Look for signs of distress in a learner or if something is not right. Create a linked chain with all staff, residential caregivers, the wider institution and community who are in contact with tertiary learners. Do not rely on just one support person. Involve teaching staff, residential caregivers, other tertiary 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

The type and amount of pastoral care support required is often dependent on the age of the learner. Tertiary international learners over 18 are considered adults and therefore, while providers can give advice and support, decisions are ultimately those of the learners.

When thinking about the type and amount of support required, it is worth considering that international tertiary learners are often more vulnerable than domestic tertiary learners 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 providers to manage. Factor this into staffing and resourcing of provision for international tertiary learners.

Consider what additional support staff may need when dealing with issues to ensure that roles are safe and sustainable.

Outcome 09

Prospective international tertiary learners are well informed

Outcome statement

Signatories ensure that prospective international tertiary learners receive clear, accessible, accurate and sufficient information, and make informed choices about the study and services a signatory provides before they begin their study.

Applies to all international tertiary providers



Overview

Outcome 9 is to ensure prospective international tertiary learners have a full and realistic picture of what it will be like to live and study in New Zealand, and at your organisation, and it has a system for:

- vetting and contracting education agents
- monitoring activities and performance of contracted agents
- appropriately responding to concerns relating to education agents.

Processes and key clauses

37. Process 1: Marketing and promotion

37(a). Understanding the information needs of international tertiary learners.

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

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

37(b). Develop and provide information to international tertiary learners.

Ensure that you provide the minimum required information outlined in clause 37(1)(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 tertiary learners.

Your international tertiary 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 tertiary learners' information needs from the data you have gathered (see 37(1)(a) above).

Possible ways to provide information to international tertiary learners

- make short video clips showing your education organisation, staff and tertiary 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 tertiary learners
- develop resources together with current tertiary learners or alumni
- share case studies from current tertiary learners or alumni.

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](#).

37(c)(i) Quality assurance evaluations.

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.

37(c)(ii). Educational instruction, staffing, facilities and equipment.

Provide information about the services and facilities included.

Consider providing the following via online prospectus, website, virtual tours, holding an online video chat with the learner ahead of enrolment:

- 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 tertiary learners, as appropriate
- if language support is available to international tertiary learners and their whānau
- information about education and other facilities such as sporting areas, cafeteria
- if there are additional charges for any services or facilities.

37(c)(iii) The Dispute Resolution Scheme.

Inform learners in promotional and enrolment material that, as a signatory, your organisation has agreed to observe and be bound by the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code) and the International Student Contract Dispute Resolution Scheme Rules 2016 (the DRS Rules).

Provide links to the NZQA website where copies of the Code can be downloaded and printed.

Direct your international learners to the [iStudent Complaints website](#) for information about the Disputes Resolution Scheme.

37(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 tertiary learners can be adapted for International tertiary learners

- if there is additional information you might need to provide for international tertiary 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
- providing information from [Immigration New Zealand](#) on pathways to residency.

37(c)(v). Estimated study and living costs.

As far as possible, provide relevant information to help potential international tertiary learners and, if relevant, their parents understand the costs of living and studying in your region. This process now includes the explicit requirement to include “any additional fees or levies that are on top of the basic tuition fee.”

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.

37(c)(vi). Accommodation and transport.

Consider how you might present this information or address similar questions for prospective international tertiary learners and/or their parents or legal guardians.

Accommodation

Consider:

- 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

Consider:

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

38. Process 2: Managing and monitoring education agents

It is important that New Zealand provides international tertiary learners with a quality education through an experience that meets and exceeds their expectations. Agents play a key role in achieving this goal, as they are often the first point of contact with international tertiary learners and families and can greatly influence their enrolment decisions. Signatories play a vital role by effectively managing and monitoring their agents. The guidelines below outline the minimum process requirements and provide some examples for practice.

38(a). Reference checks.

You must undertake and document reference checks on all potential 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 agent is a trustworthy professional.

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

- provide quality advice to international tertiary learners
- work with professionalism and integrity
- not breach the law or jeopardise your organisation'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.

38(b). Written Contracts.

You must enter into a written contract with each 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 agent. The written contract must be signed by both parties. Regularly check that your agent contracts meet your requirements as a signatory. A robust contract will help ensure that your agent acts in a way that supports the intent of this outcome.

Consider:

- seeking independent legal advice on any agent contract, including templates
- whether to offer an agent your contract or accept the agent's contract
- a one-year probation period
- having expiry dates on your contracts. This will allow you to review your agent's performance and discuss the services they have provided before deciding to renew the contract
- whether new/renewed agent contracts need to be updated given the 2021 code requirement to ensure your agents are aware of how they will be monitored and the consequences of any misconduct.

38(c). Monitoring agent activities and performance.

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

Consider requiring 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 agent has received
- robust verification of learner documentation prior to submission to provider and/or INZ
- attend compulsory training programmes with your education organisation or through an external provider (may be delivered online). For example, training on the Code requirements.

Consider requiring 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 organisation's promotional material translated by the agent is consistent with the English language version.

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 tertiary 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 education organisation in a misleading or dishonest manner
- providing inadequate or unsafe accommodation
- not aligning the international tertiary learners' 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.

38(d). Managing agents.

You must take action if you have evidence that suggests 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 tertiary 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 tertiary learners, as regards the outcomes of the Code, has been mitigated.

If the agent's misconduct meets the threshold outlined in clause 38(d)(i) and(ii), you are required to terminate the contract.

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

When deciding what action to take, consider:

- the 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 tertiary learners.

Appropriate action may include:

- discussing the concerns with your agent
- requesting a formal written response regarding the alleged misconduct
- clarifying the expectations of your 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 agent to action
- requiring your agent to upskill by signing up for more training
- setting a probation period with clear outcomes your agent must meet
- terminating the agent's contract.



Resources

- Ministry of Business, Innovation and Employment's [Managing misconduct by an employee](#) web resources
- Employment New Zealand's [Managing disciplinary process](#) web resource
- Ministry of Education's [Employment relationship problem resolution](#) web resource

38(e). Ensuring agents have access to up to date information.

The signatory-agent relationship is two-way. Ensuring your agents have the information they need to understand their obligations is critical for enabling them to act appropriately.

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

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

Consider:

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

Outcome 10

Offer, enrolment, contracts, insurance and visa

Outcome statement

Signatories must have practices for enabling learners to make well-informed enrolment decisions in relation to the educational outcomes being sought by the learner and ensuring that all relevant parties are clear about their interests and obligations prior to entering into the enrolment contract.

Applies to all international tertiary providers



Overview

Outcome 10 is to ensure you have good systems and documentation in place to:

- manage the offer, enrolment, contract, insurance for each new international tertiary learner
- ensure learners have the appropriate visa
- inform international tertiary learners and their families (if the learner is under 18/where relevant) on their likely educational outcomes, rights and responsibilities as an international tertiary learner at your organisation prior to entering the enrolment contract.

Clarity regarding ‘termination’

Clauses 42(1)(d) and 42(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 43 now requires that termination of enrolment or disciplinary actions, “must be in accordance with the principles of natural justice.”

Processes and key clauses

40. Process 1: Offer of educational instruction

Signatories must ensure that the educational instruction offered to international tertiary learners is in accordance with the Act and is appropriate for international tertiary learners’ expectations, English language proficiency, academic ability, and the educational outcomes being sought.

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 tertiary learners, and their career intentions, and determine if future intentions match the educational opportunities you offer. This includes assessing the proficiencies of tertiary 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 tertiary learners in the [New Zealand Qualification Framework Programme Approval and Accreditation Rules 2021](#) are applied.

Ways to assess suitability for the programme offered:

- interviews with tertiary 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 learner)
- testing and assessment in skill requirements for individual subject areas
- assessment of English language ability
- the learners’ 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 international tertiary 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 tertiary learners if they do not reach the required standard.

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

41(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.

41(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 tertiary learners.

41(1)(c). Education provided and its outcome.

Provide relevant information about the qualification or programme the international tertiary 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.

41(1)(d). Refund conditions.

The conditions under which refunds will be made must be clearly presented in the information that you provide to international tertiary learners, their families or legal guardians. This information can be included in the international tertiary 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 clause 46, Process 7: Student fee protection and managing withdrawal and closure.

41(1)(e). Staffing, facilities and equipment.

Decide which information is relevant to the programme an international tertiary learner is intending to enrol in and present an accurate impression of what it is like to study at your organisation. 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 tertiary learners
- a virtual tour of your campus
- a conversation between international staff and new tertiary learners, their parents or legal guardians, including where appropriate in the learner's first language.

41(1)(f). Services and supports for tertiary learners.

International tertiary learners require significant support during 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 tertiary 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 tertiary 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 tertiary 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.

41(1)(g). Insurance and Visa requirements

Refer to clause 44, Process 5: Insurance for insurance requirements and clause 45, Process 6: Immigration matters for visa requirements.

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

If an international tertiary 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 tertiary learner's insurance policy covers the requirements outlined in clause 44, Process 5: Insurance, you must ensure they purchase an insurance policy that does, before enrolling them.

41(1)(h). This Code and the relevant Dispute Resolution Scheme Rules.

Inform tertiary learners in enrolment material that, as a signatory, your organisation has agreed to observe and be bound by the Code and the International Student Contract Dispute Resolution Scheme Rules 2016 (the DRS Rules).

Provide links to the NZQA website where copies of the Code can be downloaded and printed.

Direct your international tertiary learners to the [iStudent Complaints website](#) for information about the Disputes Resolution Scheme.

NZQA also provides [information for international tertiary learners on complaints procedures](#) under the Code and the DRS Rules. This link can be shared, or the information can be downloaded and given directly to international tertiary learners, and their parents or legal guardians if under 18.

41(1)(i). Full costs of educational instruction.

Establish your own policy, procedures, and documentation for communicating costs related to an offer of educational instruction to learners and, where relevant for international tertiary learners under 18, 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, extracurricular trips, etc.), so that tertiary learners and parents or legal guardians if under 18 are aware at the outset.

Itemised invoices are an effective way to communicate full costs.

41(2). Rights and obligations information.

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

The Code outlines some rights and obligations for international tertiary learners. Elements of this information must be included in the enrolment contract itself (see clause 41(1)). There may be additional rights and responsibilities you wish to make tertiary 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 tertiary 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.

For more information, see the guidelines for clause 42, Process 3: Contract of enrolment below.

Information provided could include:

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

42. Process 3: Contract of Enrolment

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

42(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 learner under the Code. There are some exceptions to this relating to insurance obligations. See clause 44, Process 5: Insurance for more detailed information.

42(1)(b). Conditions for terminating the contract of enrolment.

Make sure international tertiary 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 tertiary learner, and where required, their parents or legal guardians.

42(1)(c-e). Disciplinary actions and the process for termination of enrolment.

Make sure your international tertiary 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.

Your policies and procedures need to clearly explain what sort of disciplinary action you may take and in what circumstances, so that your international tertiary 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 tertiary learner and where required, their parents/legal guardians, and should be comparable with the policies and procedures you have in place for domestic tertiary learners, as far as practicable.

Consider the following, for example:

- what is the disciplinary process and consequence for an international tertiary 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 organisation 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.

Tertiary education organisations might consider adapting the Ministry of Education's [Good Practice Part I Legal Options and Duties](#) and [Good Practice for behaviour Part II Guidelines](#) to suit their own context.

42(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.

43. Process 4: Disciplinary Action

Any disciplinary action 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](#).

44. Process 5: Insurance

Insurance The Code requires you to ensure "as far as practicable" that international tertiary learners, including tertiary learners travelling in a group, have "appropriate insurance" while enrolled with you for educational instruction of two weeks' duration or longer. Clause 44(1) sets out the minimum requirements of this insurance.

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

For international tertiary 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 44. 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 44 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 tertiary learners (or parents/legal guardians of tertiary 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 tertiary learners (or parents/legal guardians of tertiary 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 tertiary learner who has an exclusion on their medical insurance for a pre-existing condition.

However, if you choose to enrol an international tertiary 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 clause 40)
- have obtained written agreement from the parent or legal guardian of a learner about any decisions made that affect an international tertiary learner under 18 years (see clause 52)
- still meet the standard requirements of the Code as for any international tertiary 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 22 (“proactive monitoring and responsive wellbeing and safety practices”), 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 tertiary learners.

If learner 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 tertiary 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 tertiary learner embarking on study in New Zealand.

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

For international tertiary 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 tertiary 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. tertiary 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).

45. Process 6: Immigration matters

Ensure as far as possible that each international tertiary learner who enrolls with you has the necessary immigration status for study in New Zealand.

Familiarise yourself with current immigration requirements.

In order to know whether tertiary 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 tertiary 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
 - living with a parent or legal guardian if required.

45(a). Checking and monitoring the learner's entitlement to study.

Checking tertiary 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 tertiary learners' visa in their passport.

When sighting the visa, check for the following:

- that the name of your organisation 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 tertiary learner's insurance policy.

You need to have processes in place to monitor the ongoing validity of your tertiary 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 tertiary learners' academic progress, attendance, and expiry dates of visas.

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

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

If a parent is accompanying an international tertiary learner for the sole purpose of education in New Zealand, the parent's visa must state the name of the dependent (international tertiary learner) that the parent is responsible for while living in New Zealand. The international tertiary learner must live with their parents (or legal guardians). Organisations can complete routine checks to see if tertiary learners are living with their parent/s and that they are still in New Zealand. Should a tertiary education organisation 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 12 of the Code to ensure the safety and wellbeing of the learner in question.

45(b). Report suspected breaches to Immigration New Zealand.

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

45(c). Notify Immigration New Zealand of terminations of enrolment.

If an international tertiary 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](#).

46. Process 7: Student fee protection and managing withdrawal and closure

46(1)(a). Fee protections.

Across all provider types, the student fee protection policy must preserve international tertiary 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](#).

Tertiary education organisations (i.e. Te Pūkenga, universities and wānanga) have obligations under section 526 of the [Education and Training Act 2020](#).

There are stricter rules that regulate private training establishments (PTEs) (see below).

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

Private training establishments (PTEs)

PTEs also have obligations under Part 4 of the [Education and Training Act 2020](#).

NZQA's Student Fee Protection Rules protect the interests of domestic and international tertiary learners, especially if a PTE stops offering a programme in which tertiary learners have enrolled.

Student fee protection covers all payments made to a PTE by, or on behalf of, a learner. If paid to a PTE, these will include:

- fees (including programme-related costs and agents fees and/or commission)
- accommodation
- living expenses.

For more information go to: www.nzqa.govt.nz/providers-partners/approval-accreditation-and-registration/student-fee-protection.

Refund policies

46(1)(b). Fair and reasonable.

A fair and reasonable refund policy 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.

In addition, "reasonable" refund policies will have regard to:

- [the Education and Training Act 2020](#)
- [the Education \(Refund Requirements for International Students\) Notice 2012](#)
- [NZQA's Student Fee Protection Rules 2021](#)
- [the Fair Trading Act 1986](#)
- [the Consumer Guarantees Act 1993](#)
- [the Human Rights Act 1993](#)
- the terms and conditions of your international tertiary learner enrolment contract.

46(1)(c). Providing international tertiary learners with sufficient information to understand rights and obligations under refund policies.

This process relates to clause 41, Process 2: Information to be provided before entering contract and the aim is to help you to manage the expectations of international tertiary learners (and their parents/legal guardians, where relevant) to mitigate potential financial and contractual disputes.

Signatories are required to not only inform tertiary learners when fees may be refunded but also to ensure that the information provided is sufficient for tertiary 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 tertiary 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 tertiary 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 agents to provide to tertiary learners
- learner contracts and information provided prior to the contract being signed
- orientation information
- international tertiary learner handbook.

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

Outcome 11

International learners receive appropriate orientations, information and advice

Outcome statement

Signatories must ensure that international tertiary learners have the opportunity to participate in well-designed and age-appropriate orientation programmes and continue to receive relevant information and advice to support achievement, wellbeing and safety.

Applies to all international tertiary providers



Overview

Outcome 11 is to ensure that learners are fully informed of the services, opportunities and policies to support them to realise their educational goals at your organisation.

This means that information delivery and content is adapted to address the specific needs of international tertiary learners.

This outcome applies in addition to the related processes in Outcomes 1-4 and where applicable, the related processes for student accommodation.

Processes and key clauses

48. Process: Provision of information

48(a). Ensuring information is accurate, age-appropriate, and up-to-date and presented in a way that meets the ongoing needs of diverse learners.

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 tertiary learners of different ages to find and understand
- publishing key information, policy summaries, and procedures international tertiary learners need to follow on your website as Frequently Asked Questions (FAQs)
- writing any documentation that is intended for prospective tertiary learners as though they were someone who knows nothing about your organisation, who has never been to New Zealand before, and who has limited knowledge of English
- testing learner support advice and material directly and regularly with both new and more experienced tertiary learners to get their feedback.

48(b). Provision of information is appropriately contextualised and ongoing.

- A cultural perspective and awareness of the diversity of needs within groups of learners is taken when considering the information learners might need and how to best engage with them.
- Ask incoming learners about how they would like to be supported in their first weeks.
- Anticipate potential information needs by considering what events or milestones learners will experience during their studies at your organisation and in your community.

48(c). Providing names and contact details of designated staff members.

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

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

48(d). Appropriate information relating to health and safety of international tertiary learners.

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

- prepare international tertiary 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 tertiary 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 tertiary learners, and how to access these
- consider how international tertiary learners can access the support they need, including language support
- develop staff awareness about tertiary 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 tertiary learners in their class.

48(e). Providing information on termination of enrolment.

Make sure international tertiary 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 tertiary learner, and where required, their parents or legal guardians.

Consider:

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

48(f). Information about legal rights and obligations.

You need to decide what information is relevant for your tertiary 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 tertiary 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.

48(g). Providing information on learner's rights and entitlements.

Signatories must ensure that the fees paid by international tertiary 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 tertiary learner handbook or offer of enrolment, or be made available before arrival, on arrival or during their enrolment.

Consider providing learners with information on what options they may have to defer their studies and or if there are recognised 'exit' qualifications for those who do not complete a full programme.

48(h). Additional information and advice for international tertiary learners.

Provide international tertiary learners with the following information and advice as below.

48(h)(i). Providing information on institutional policies.

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

Consider if your policies for domestic tertiary learners sufficiently include international tertiary learners' rights and responsibilities, and if any amendments are required. You may need to develop new policies specifically for international tertiary learners. Make sure your international tertiary learners have access to the relevant policies and remind them regularly, so they know where to find this information.

Some ways to ensure tertiary 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 tertiary learners to access
- place your policies on your website.

48(h)(ii). Providing information on services, support and facilities.

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

Do your research and if relevant, include available community-based services your international tertiary 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 tertiary 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 tertiary learners and parents
- social media.

48(h)(iii). Adjusting to a different cultural environment.

Examples for good practice include:

- providing information about adapting to a new culture/the cultural adjustment process
- developing support services for tertiary 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 tertiary learners integrate into their community, i.e. churches, cultural and sports groups
- considering when and how to provide this information
- helping staff and domestic tertiary learners who work with international tertiary learners to understand culture shock and its stages.

48(h)(iv)(a-d). Information on working in New Zealand.

Consider providing learners with:

- the link to the Employment New Zealand website, which has information about working in New Zealand and employment rights
- information about 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.

48(i). Ensuring that parents, legal guardians, and/or residential caregivers of tertiary learners under 18 have access to orientation information or the programme provided.

This is a requirement to ensure that the relevant caregivers of international tertiary learners are aware of the information that you have provided to tertiary learners, so that they can also support tertiary learners to find the information they need throughout their enrolment period with you. The key words here are “have access to”.

Please note this is not a requirement to run a separate orientation for parents and caregivers of international tertiary learners who are planning to live in New Zealand, to assist them to settle into 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 tertiary 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 tertiary 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 12

Safety and appropriate supervision of international tertiary learners

Outcome statement

Signatories ensure that international tertiary learners are safe and appropriately supervised in their accommodation and effectively communicate with the parents or legal guardian of learners under 18 years.

Applies to all international tertiary providers



Overview

Outcome 12 is to ensure that international tertiary learners are safe and well while living and studying in New Zealand.

These requirements are in addition to the requirements of Parts 3, 4 and 5 of this Code.

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 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.

Things 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.

Processes and key clauses

50. Process 1: International tertiary learners under 18 years

50(1)(a). Enrolled international tertiary learners are appropriately supervised.

Signatories must not enrol international tertiary learners under 18 years unless they establish that the learner lives in one of the following arrangements:

For international tertiary learners aged 10 years or older but under 18 years:

- a. The learner lives with their parent(s)/ legal guardian(s), or,
- b. The learner is in a properly supervised (see clause (54(3))) group and the educational instruction is not for more than 3 months, or,
- c. The learner is in the care of the manager of tertiary student accommodation (Part 5 of this Code) or,
- d. The learner is in the care of a residential caregiver.

For international tertiary learners aged less than 10 years, the learner must live with the parents/legal guardians.

50(1)(b). Maintaining effective communication with parents/legal guardians of international learners under 18.

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
 - programme reports, newsletter/emails of the organisation's events
 - success of the accommodation placement and any changes to placement
 - how the learner is settling in
 - 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?
- 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 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 organisation. 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.

50(1)(c). Designating at least one (1) staff member to monitor international 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 learners include:

- number of international learners in the organisation
- ability to communicate with international 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 learner needs for pastoral care can be unpredictable and can happen outside your organisation's normal hours of operation.

50(1)(d). Transfer of care, for international tertiary learners who are in the care of a residential caregiver.

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

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 learner to the international airport
 - travel arrangements for international 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 organisation during the agreed period. For example, email, text, phone call, WeChat
- 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.

51. Process 2: International tertiary learners under 10 years

While unlikely, the enrolment of an international tertiary learner under 10 years is possible and the Code requirements in such an instance are reiterated below.

International tertiary learners under 10 years must live with a parent or legal guardian.

All international tertiary learners under 10 years of age enrolled with a signatory must live with a parent or legal guardian for the length of their enrolment.

This applies to all international tertiary 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.

Your systems need to ensure that any international tertiary 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 study. Please refer to materials relating to international school signatories for further guidance for meeting code requirements for international learners under 10 years.

52. Process 3: Decisions requiring written agreement of parent or legal guardian

Written agreement from the parent or legal guardian of an international tertiary 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 field trips
- in an unexpected event, for example to re-locate the learner or take them to hospital to seek urgent medical care
- changes to accommodation.

53. Process 4: Accommodation for international tertiary learners under 18 years

53(1)(a). The international tertiary 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 tertiary learners in case they want to designate a caregiver
- visit accommodation at planned intervals to ensure the accommodation provided is maintained at an acceptable standard (see guidance above on “What to look for to ensure suitable accommodation”)
- 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 tertiary 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.

53(1)(b). Safety 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 54(3) of the Code:

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

Safety checks are to protect your international tertiary 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 tertiary 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.

53(1)(c). Appropriate checks are completed and up to date.

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 tertiary 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 organisational policy on safety checks and appropriate checks for all staff to follow.

53(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 tertiary 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 tertiary learner so that both parties are clear about where their responsibilities lie.

Suggestions for good practice:

- make sure the residential caregiver is aware of your expectations when caring for an international tertiary learner. For example, the level of support they are expected to provide for the international tertiary 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 organisation. 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 organisation's processes, for example insurance refund processes, 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 organisation and your international tertiary learners. It is also a good opportunity for residential caregivers and, if appropriate, your tertiary learners to meet one another and offer support
- consider developing a residential caregiver handbook that can be shared with international tertiary learners, their families, and agents so everyone is aware of expectations.

53(1)(e). Maintaining effective communication when accommodation issues arise for under 18s.

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
 - programme reports, newsletter/emails of the organisation's events
 - success of the accommodation placement and any changes to placement
 - how the learner is settling in
 - 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?
- 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 tertiary learner is safe and supported outside of your organisation. If necessary, this could be established in the tertiary 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.

53(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 tertiary learners aged under 18
- consider whether you will interview tertiary 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 tertiary 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"
 - remember to keep the language plain and simple, to ensure tertiary learners who are speakers of other languages understand what you are asking
 - 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.

53(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 tertiary learner under 18 years as the caregiver and accommodation provider for that learner.

A committed and ongoing relationship between the international tertiary 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 tertiary 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 tertiary 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.

53(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.

53(1)(i). Appropriate separation of international tertiary learners from others of different ages in the accommodation.

This relates to the safety of international tertiary 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 tertiary 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 tertiary learner to prompt information that gives you confidence the learner feels safe in their accommodation.

53(1)(j). Appropriate supervision in the accommodation.

New Zealand laws relating to appropriate supervision of children aged under 14 also apply to international tertiary 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 tertiary learner. These expectations can be clarified in the written residential caregiver agreement.

54. Process 5: Safety checks and appropriate checks for learners under 18 years

54(1)(c). 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.

54(1)(e). 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 tertiary 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 (Clause 54(3))

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.

55. Process 6: Accommodation for international tertiary learners 18 or over

Suggestions for good practice:

- include home visits and accommodation requirements in the residential caregiver agreement
- visit learner accommodation at planned intervals to ensure the accommodation provided is maintained at an acceptable standard (see guidance above on “What to look for to ensure suitable accommodation”)
- visit the accommodation while the learner is present to gauge the interactions between the learner and the residential caregiver
- request a declaration from accommodation operators that their facilities meet 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 tertiary 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.



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