

**Application to become a school signatory to the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021**

This application form should be used by schools who wish to become signatories to the [Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code).](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Education-Pastoral-Care-of-Tertiary-and-International-Learners-Code-of-Practice-2021.docx) This came into force on 1 January 2022.

**Contents**

[Before submitting the application 2](#_Toc90989253)

[Name and contact details 4](#_Toc90989254)

[Criteria for becoming a signatory 5](#_Toc90989255)

[Outcome 13: Marketing and promotion 7](#_Toc90989256)

[Outcome 14: Managing and monitoring education agents 9](#_Toc90989257)

[Outcome 15: Offers, enrolment, contracts and insurance 13](#_Toc90989258)

[Outcome 16: Immigration matters 18](#_Toc90989259)

[Outcome 17: Orientation 19](#_Toc90989260)

[Outcome 18: Safety and well-being 22](#_Toc90989261)

[Outcome 19: Learner support, advice, and services 29](#_Toc90989262)

[Outcome 20: Managing withdrawal and closure 31](#_Toc90989263)

[Outcome 21 and 22: Dealing with complaints and compliance with international student contract Dispute Resolution Scheme (DRS) 32](#_Toc90989264)

# Before submitting the application

**Before making this application**

Familiarise yourself with the [Code](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Education-Pastoral-Care-of-Tertiary-and-International-Learners-Code-of-Practice-2021.docx) using the [NZQA’s 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with [Code-to-Code Comparison Tool for School Signatories](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf)[[1]](#footnote-1). You need to ensure that your school is aware of their responsibilities under the Code. Ensure you:

review the relevant parts (Parts 1, 2, 7 and 8) of the Code and the Code guidelines thoroughly to understand its aim and purpose,

check each link to understand the intent of each outcome in Part 7 of the Code,

understand the terminologies used in the Code (refer to Clause 5 of the Code).

The information NZQA requires for this application should exist in your school’s policy and procedure manual, quality management system, or electronic equivalent of a Code desk manual.

**Completing this application form**

In responding to the questions in this form, you will need to describe how you are going to meet the outcomes and requirements. Descriptions should be linked to evidence such as processes and procedures.

The information for learners needs to be age appropriate.

The Code has specific requirements for learners aged under 18 and under 10. Compliance with these outcomes and processes is only required from those providers that are enrolling learners in this age group.

**Useful documents**

The following documents will aid you in filling out the application form.

* [NZQA’s 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with [Code-to-Code Comparison Tool for School Signatories](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf)1

**Useful links**

A peak body is an organisation representing a particular sector. There are several peak bodies in the education sector that might serve as useful resources in relation to the Code.

The organisations listed below are examples of these. Please note that they are independent entities, thus any questions or queries relating to those organisations should be forwarded directly to them.

* [SIEBA](https://www.sieba.nz/) (Schools International Education Business Association)
* [ISANA](https://www.isana.nz/) (International Education Association)

**Peer review prior to submission**

Applicants have found it useful to have their documentation reviewed in-house or by another signatory before submitting the application to check that the application form and documentation provided cover all requirements of the Code.

**Documents**

Submit this application form in MSWord i.e. .doc, or .docx formats.

All other documents are to be supplied as .doc, .docx, or searchable .pdf files.

**Legal contracts with third parties**

Applicants need to be aware that NZQA does not quality assure any legal contracts with third parties that may be included in this application. Applicants are advised to seek their own legal advice in relation to contractual arrangements. Each signatory is responsible for its own compliance with the Code.

**Evaluation by NZQA**

As Code administrator, NZQA will review this application against the requirements of the Code and the criteria for becoming a signatory.

NZQA will acknowledge receiving the application within two working days and continue to advise the school on the progress of the application.

The approval process can take up to 45 working days from receipt of the application.

If you have any questions about your submission, please email the Client Services team at qaadmin@nzqa.govt.nz

**Questions about what documentation is required**

In the first instance, please refer to the guidelines for the Code published on the NZQA website.

If you have questions about the documentation required, email approvals\_accreditation@nzqa.govt.nz or call 0800 697 296 and ask for the Approvals and Accreditation team.

**Using this form**

Please provide a response to all the questions in red text.

Complete the form out electronically and submit it as a Word doc. with supporting documents. Suggested supporting documents are listed throughout this form.

**Schools submit their applications by email to** **qaadmin@nzqa.govt.nz****.**

# Name and contact details

Please provide the following details.

#### School details

|  |  |
| --- | --- |
| School name  |  |
| Principal / CEO |  |
| MoE number |  |
| Student Roll |  | Learner age group |  |

#### Contact details for the school

|  |  |
| --- | --- |
| Phone |  |
| Mobile phone |  |
| Email |  |
| Website |  |
| Facebook |  |

#### Physical address of the school

|  |  |
| --- | --- |
| Line 1 |  |
| Line 2 |  |
| Suburb |  |
| City |  | Postcode |  |

#### Postal address of the school

*The postal address is the same as the physical address* Yes/No (delete one)

If no, provide the postal address.

|  |  |
| --- | --- |
| Line 1 |  |
| Line 2 |  |
| Suburb |  |
| City |  | Postcode |  |

#### Key contact person for this application

*NZQA will contact this person about any matters relating to this application.*

|  |  |  |  |
| --- | --- | --- | --- |
|  | Title | First name | Surname |
| Name |  |  |  |
| Position |  |
| Email |  |
| Phone |  |
| Mobile  |  |

**Rationale**

Please provide a brief rationale for why you are making an application to be a signatory to the Code. Identify the learner profile you will be enrolling and summarise conditions of enrolment (e.g. learners under 10 years of age will always be accommodated with parents).

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# Criteria for becoming a signatory

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| Clause 4(2): The criteria for an applicant to become a signatory to this code are the following:(a) the applicant is a provider; and(b) the applicant provides, or is intending to provide, educational instruction; and(c) the applicant has acceptable financial management practices and performance; and(d) the applicant has policies and procedures in place that will enable it to achieve the outcomes sought and processes required by this code; and(e) the code administrator does not otherwise consider the applicant to be unsuitable for approval as a signatory to this code. |

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| --- |
| Please provide these documents for Clause 4(2)(d): |
| * International School Learner Policy
 |
| * Staff Handbook
 |
| * Please provide your school’s last annual audited accounts

Why? Acceptable financial management practices and performance of TEOs is monitored by NZQA (the Code Administrator). NZQA does not have this information for schools. |

**International learners aged under 18**

The Code has specific requirements for international learners aged under 18. Compliance with these outcomes and processes is only required from those providers that are enrolling international learners in this age group.

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| Process clauses for international learners aged under 18 have been highlighted blue in this form.  |

# Outcome 13: Marketing and promotion

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| Signatories must ensure that the marketing and promotion to prospective international school learners of services provided by signatories includes clear, sufficient, and accurate information enabling those learners to make informed choices about the services provided.See [the 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with the [Code-to-Code Comparison Tool for Schools](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf).  |

#### Suggested supporting documents for Outcome 13

|  |  |
| --- | --- |
| X office document icon | Refer to your supporting documents in your responses.Include the relevant section or page number from your supporting documents in the ‘references’ section for each response. |
| * Prospectuses, marketing or promotional material
 |
| * Learner/family survey template
 |
| * Draft website pages
 |
| * Self-review procedures for ensuring marketing and promotional information (both in print and online) is accurate, current and comprehensive
 |

#### Process Clause 57 (a)

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| --- |
| Each signatory must proactively seek to understand the information needs of prospective international school learners |

How will you find out what information prospective international school learners require?

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| --- |
|  |
| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 57 (b)

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| Each signatory must develop and provide information to prospective international school learners and review the information to ensure it is kept up to date |

How will you develop, provide, and review information for prospective international school learners, ensuring it is up to date?

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|  |
| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 57 (c)

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| Each signatory must ensure that prospective international school learners receive, as a minimum, up-to-date and timely information about the following |
| Information: | How and when it is made available? | Ref: |
| Quality assurance evaluations*Include link to your latest review (ERO, EER, AQA, etc.)* |  |  |
| Educational instruction, staffing, facilities, and equipment available to international learners |  |  |
| the [relevant Dispute Resolution Scheme (DRS) rules](https://legislation.govt.nz/regulation/public/2016/0042/latest/whole.html#DLM6748772) |  |  |
| Potential learning outcomes, including pathways for further study, employment, and residency where applicable |  |  |
| Estimated study and living costs for international learners |  |  |
| Accommodation and transport, or ways to obtain such information |  |  |
| NZQA comments: |

# Outcome 14: Managing and monitoring education agents

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| Signatories must effectively manage and monitor their education agents (that is, those agents that signatories have contracted to represent them) to ensure that those education agents—(a) provide international school learners with reliable information and advice about studying, working, and living in New Zealand; and(b) act with integrity and professionalism towards prospective international school learners; and(c) do not breach the law or jeopardise the signatory’s compliance with this code.See [the 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with the [Code-to-Code Comparison Tool for Schools](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf).  |

#### Suggested supporting documents for Outcome 14

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| X office document icon | Refer to your supporting documents in your responses.Include the relevant section or page number from your supporting documents in the ‘references’ section for each response. |
| * Education agent application form and selection policy
 |
| * Education agent (see the Code of Practice Toolbox, Outcome 2 for things to consider including when developing an agent contract)
 |
| * Education agent training policy and/or procedures
 |
| * Education agent support and communications (process for updating agents)
 |
| * Learner/parent/agent survey questions / templates
 |
| * Key agent performance indicators (KPIs) for education agents
 |
| * Education agent monitoring policy and/or procedures
 |
| * Process for handling complaints against education agents
 |

#### Process Clause 59 (a)

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| Each signatory must carry out and record reference checks on potential education agents to ensure as far as possible that they have not been involved in any conduct that is false, misleading, deceptive, or in breach of the law |

How will you carry out reference checking and due diligence on education agents?

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|  |
| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 59 (b)&(c)

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| Each signatory must(b) enter into written contracts with each of its education agents; (c) and during the term of a contract, monitor the activities and performance of its agents in relation to — (i) their obligations as specified in the contract; and (ii) whether they provide international school learners with reliable information and advice about studying, working, and living in New Zealand; and (iii) whether they act with integrity and professionalism in their dealings with prospective international school learners; and (iv) whether they have engaged in any activity or conduct that, in the opinion of the signatory, is or may be in breach of the law or that jeopardises the signatory’s compliance with this code; and |

How will you ensure all education agents have a written contract? and;

How will you monitor your education agents’ activities and performance in relation to (i – iv) above?

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| Reference to supporting documentation: |
| NZQA comments: |

How will you support your education agents?

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| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 59 (d)

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| Each signatory must manage the education agents by—(i) terminating contracts with an agent if there is evidence which, on balance of probabilities, shows that the agent—(a) has been involved in any serious, deliberate, or ongoing conduct that is false, misleading, deceptive, or in breach of the law; or(b) has jeopardised the signatory’s compliance with this code; or(ii) taking appropriate action to address conduct or an omission by an agent in relation to the other matters described in subclause (c) |

What action will you take/process will you follow, if you have evidence of education agent misconduct?

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| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 59 (e)

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| Each signatory must ensure that its education agents have access to, and maintain, up-to-date information relevant to their duties as specified in the contracts with the signatory. |

How will you ensure education agents have and provide reliable and up-to-date information?

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| Reference to supporting documentation: |
| NZQA comments: |

# Outcome 15: Offers, enrolment, contracts and insurance

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| Signatories must –(a) support international school learners (or the parents or legal guardian of international school learners under 18 years) to make well-informed enrolment decisions that are appropriate to the educational outcomes sought; and (b) ensure that international school learners (or the parents or legal guardian of international school learners under 18 years) have the information required to understand their interests and obligations before entering into a legally binding contract with a signatory; and (c) ensure that each contract of enrolment is fair and reasonable; and (d) ensure that any disciplinary action is taken in accordance with the principles of natural justice; and (e) ensure that international school learners have the appropriate insurance coverage, including insurance covering travel costs, medical care, and costs associated with repatriation, expatriation, and funeral expenses; and (f) ensure that proper documentation is kept and, where appropriate, provided to international school learners (or the parents or legal guardian of international school learners under 18 years).See [the 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with the [Code-to-Code Comparison Tool for Schools](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf).  |

#### Suggested supporting documents for Outcome 15

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| --- | --- |
| X office document icon | Refer to your supporting documents in your responses.Include the relevant section or page number from your supporting documents in the ‘references’ section for each response. |
| * Admission requirements and procedures
 |
| * Offer of Place (all versions for learner ages)
 |
| * English language proficiency tests / requirements
 |
| * Enrolment form, enrolment requirements and procedures
 |
| * Enrolment contract / Tuition agreement
 |
| * Student/Learner Insurance Policy
 |
| * Policy and/or process for obtaining the written agreement from the parent(s) or legal guardian of any international school learner under 18 years to decisions affecting the learner
 |

#### Process Clause 61

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| Each signatory must ensure that the educational instruction on offer is in accordance with the Act and is appropriate for international school learners’ expectations, English language proficiency, and academic capability. |

How will you assess learners’ suitability for the programme offered and test for English language proficiency?

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| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 62 (1)

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| Each signatory must ensure international school learners receive, as a minimum, information about the following before entering into a contract with the learner – |
| Information | How and when it is made available? | Ref: |
| Most recent results of education quality assurance agency  |  |  |
| Compliance notices and conditions imposed under the Act that the code administrator directs must be disclosed to prospective international school learners |  |  |
| The education provided and its outcome, for example, whether a qualification is granted |  |  |
| Refund conditions that comply with the outcome and process in clauses 80 and 81 |  |  |
| Staffing, facilities, and equipment |  |  |
| Available services and supports |  |  |
| Insurance and visa requirements for receiving educational instruction from the signatory |  |  |
| This code and the [relevant Dispute Resolution Scheme (DRS) rules](https://legislation.govt.nz/regulation/public/2016/0042/latest/whole.html#DLM6748772) |  |  |
| Full costs related to an offer of educational instruction |  |  |
| NZQA comments: |

#### Process Clause 62 (2)

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| Each signatory must ensure that, before entering into a contract of enrolment or enrolling with the signatory, each international school learner (or the parents or legal guardian of international students under 18 years) is informed of the learner’s rights and obligations in relation to receiving educational instruction from the signatory, including the rights under this code. |

How and when in the marketing, recruitment and enrolment process will you provide information on rights and obligations?

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|  |
| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 63

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| Each signatory must ensure that a contract of enrolment is entered into between the signatory and each international school learner that includes the following information and terms – |
| Information | How and when it is made available? | Ref: |
| Clear information about the beginning and end dates of enrolment |  |  |
| The grounds for terminating the contract of enrolment |  |  |
| the circumstances under which the school learner’s conduct may be in breach of the contract of enrolment (including conduct that occurs while the learner is not under the immediate supervision or control of the signatory); |  |  |
| the type of disciplinary action short of termination of the contract of enrolment that may be taken by the signatory against the student (for example suspension or exclusion); |  |  |
| the process that the signatory must follow when seeking to terminate the contract of enrolment under paragraph (b) or to take disciplinary action under paragraph (d). |  |  |
| NZQA comments: |

#### Process Clause 64

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| Any process undertaken under clause 63(1)(e) for terminating the contract of enrolment under clause 63(1)(b) or for taking disciplinary action under clause 63(1)(d) must be in accordance with the principles of natural justice (which includes those necessary to ensure the prompt, considered, and fair resolution of the matter that is the subject of the action). |

What processes do you have in place for disciplinary action and/or terminations of the contract of enrolment?

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| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 65

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| (1) Each signatory must ensure that, as far as practicable, each international school learner who is enrolled with the signatory for educational instruction of 2 weeks’ duration or longer has appropriate insurance covering –  (a) the school learner’s travel –  (i) to and from New Zealand; and  (ii) within New Zealand; and  (iii) if the travel is part of the educational instruction, outside New Zealand; and  (b) medical care in New Zealand, including diagnosis, prescription, surgery, and hospitalisation; and  (c) repatriation or expatriation of the school learner as a result of serious illness or injury, including cover of travel costs incurred by family members assisting repatriation or expatriation; and  (d) death of the school learner, including cover of –  (i) travel costs of family members to and from New Zealand; and  (ii) costs of repatriation or expatriation of the body; and  (iii) funeral expenses. (2) Subclause (1)(a)(i) and (ii) includes the school learner’s travel to and from their country of origin or citizenship before their educational instruction begins and after it ends (which may be outside of the enrolment period). (3) Subclause (1)(a)(i) does not include the school learner’s travel to other countries unless that travel is primarily for the purpose of embarking on connecting flights to and from New Zealand. |

What processes do you have in place to ensure that each international school learner has appropriate insurance while enrolled with you, and including travel to and from New Zealand, covering 1-3 above?

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| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 66

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| Each signatory must ensure that, where appropriate, it obtains the written agreement of the parent or legal guardian of an international school learner under 18 years with respect to decisions affecting the learner. |

What do you have in place to ensure that a written agreement of the parent or legal guardian of an international school learner under 18 years is obtained for decisions affecting the learner?

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| Reference to supporting documentation: |
| NZQA comments: |

# Outcome 16: Immigration matters

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| Signatories must—(a) ensure that they do not allow or continue to allow a person to undertake educational instruction if that person is not entitled under the Immigration Act 2009 to undertake the educational instruction; and (b) take reasonable precautions and exercise due diligence in ascertaining whether international school learners are entitled under the Immigration Act 2009 to undertake the educational instruction for which they enrol. See [the 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with the [Code-to-Code Comparison Tool for Schools](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf).  |

#### Supporting documents for Outcome 16

|  |  |
| --- | --- |
| X office document icon | Refer to your supporting documents in your responses.Include the relevant section or page number from your supporting documents in the ‘references’ section for each response. |
| * Admission procedures
 |
| * Enrolment procedures
 |
| * Offer of Place (all versions for learner ages)
 |
| * Procedures for monitoring immigration status, visa expiry and reporting termination of enrolment
 |

#### Process Clause 68

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| Each signatory must— | What procedure do you have in place? | Ref: |
| Ensure that each international school learner who enrols with the signatory has the necessary immigration status for study in New Zealand |  |  |
| Report to Immigration New Zealand known or suspected breaches of visa conditions by international school learners |  |  |
| Notify Immigration New Zealand of terminations of enrolment. |  |  |
| NZQA comments: |

# Outcome 17: Orientation

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| Signatories must ensure that international school learners have the opportunity to participate in a well-designed and age-appropriate programme that provides the information and advice necessary for a learner at the outset of their educational instructionSee [the 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with the [Code-to-Code Comparison Tool for Schools](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf).  |

#### Suggested supporting documents for Outcome 17

|  |  |
| --- | --- |
| X office document icon | Refer to your supporting documents in your responses.Include the relevant section or page number from your supporting documents in the ‘references’ section for each response. |
| * Policy and procedures for orientation (international school learner orientation and programme orientation)
 |
| * Orientation information (and/or international school learner handbook)
 |
| * Orientation information and/or procedures for staff
 |
| * Processes for self-review of your orientation programme
 |

#### Clause 70 (1)

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| Each signatory must ensure its orientation programme – (a) provides each international school learner with full information and advice on all relevant institutional policies; and (b) provides each international school learner with full information and advice on the services, support, and facilities that the signatory offers; and (c) provides the names and contact details of designated staff members responsible for international school learner support; and (d) provides appropriate information relating to health and safety of international school learners; and (e) provides information about complaints procedures for international school learners, both internal and external; and (f) provides information about the termination of enrolment; and (g) provides information about the school learner’s rights and entitlements, including any entitlement to a fee refund, if the learner voluntarily withdraws from the educational instruction. |

What do you have in place to ensure that each international school learner is provided with information in 70(1) (a) through to (g) above?

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|  |
| Reference to supporting documentation: |
| NZQA Comments: |

How will you ensure your new international learners participate in an appropriate orientation programme to get the information and advice they need at the outset of their studies?

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|  |
| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 70 (2)

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| For an international school learner under 18 years, a signatory must ensure, where applicable, that any parent, legal guardian, or residential caregiver of the learner who is in New Zealand and accompanying the learner has access to the orientation information or programme that has been provided to the learner. |

If applicable, what do you have in place to ensure that parent(s), legal guardian(s) and/or residential caregiver(s) have access to orientation and programme information?

|  |
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|  |
| Reference to supporting documentation: |
| NZQA comments: |

# Outcome 18: Safety and well-being

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| Signatories must—(a) provide a safe study environment for international school learners; and(b) provide adequate support for the well-being of their international school learners; and (c) as far as practicable, ensure that international school learners live in a safe environment.See [the 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with the [Code-to-Code Comparison Tool for Schools](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf).  |

#### Suggested supporting documents for Outcome 18

|  |  |
| --- | --- |
| X office document icon | Refer to your supporting documents in your responses.Include the relevant section or page number from your supporting documents in the ‘references’ section for each response. |
| * International school learner behaviour expectations (including attendance and possible consequences of misbehaviour) policies
 |
| * Processes to manage your 24/7 staff contact for international school learners
 |
| * Critical incident plan / emergency plan, for international school learners
 |
| * Template for international school learners record keeping and communication with the parents, legal guardians, or residential caregivers
 |
| * Procedures for monitoring and review of quality of residential care (if applicable)
 |
| * International group school learner visits including sample agreements between your institution or school and any third party involved in a group visit (if applicable)
 |
| * Residential caregiver agreement (e.g. homestay, designated caregiver agreement, temporary caregiver) (if applicable)
 |
| * Template for written agreement from parents or legal guardians who wish to provide residential care for their child through a designated caregiver (if applicable)
 |
| * Role description of designated staff
 |
| * Policy and procedures for leaner/parent complaints
 |
| * Policy for learner with additional learning needs or at risk, and policy and procedures to support those learners
 |
| * Policy and procedures for Health and Safety, including mental well-being
 |
| * Policy and procedures for maintaining required information of learners
 |
| * Policy and procedures for accommodation support for international school learners 18 years old or above
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#### Process Clause 72

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| Each signatory must— | What procedure do you have in place? | Ref: |
| (a) respond fairly and effectively to instances of inappropriate behaviour by, or impacting on, an international school learner |  |  |
| (b) develop and maintain policies for managing inappropriate behaviour that are communicated to staff and learners and effectively implemented |  |  |
| (c) Each signatory must advise international school learners on how to— | How will you provide this advice, and ensure that learners are fully aware of this information? | Ref: |
| (i) report and address health and safety issues (for both on campus and off campus activities); and (ii) respond to an emergency (for both on campus and off campus activities); and (iii) access health and counselling services; and (iv) engage with relevant government agencies such as the New Zealand Police and the department responsible for administering the Oranga Tamariki Act 1989; and |  |  |
| Each signatory must— | What procedure do you have in place? | Ref: |
| (d) have up-to-date contact details for each international school learner and their next of kin |  |  |
| (e) ensure that at all times there is at least one staff member available to be contacted by an international school learner in an emergency. |  |  |
| NZQA comments: |  |

#### Process clause 73

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| (1) In relation to international school learners under 18 years, each signatory must— | What procedure do you have in place? | Ref: |
| (a) not enrol an international school learner 10 years or older but under 18 years who does not live with a parent or legal guardian unless – (i) the school learner is in a properly supervised group of learners whose educational instruction is not for more than 3 months; or  (ii) the school learner is in the care of a residential caregiver; and |  |  |
| (b) have up-to-date contact details for the learners’ parents, legal guardian, and residential caregivers; and |  |  |
| (c) maintain effective communications with the parents or legal guardian, and residential caregivers (if any) of learners concerning their wellbeing and progress in study; and |  |  |
| (e) designate at least 1 staff member is designated to proactively monitor and address any concerns about international school learners under 18 years; and  | Who is the designated staff member and what procedures are there for back-up? |  |
| (f) if the school learner is in the care of a residential caregiver, – (i) ensure that a plan is in place for the transfer of care of the learner from the residential caregiver to the learner’s parent or legal guardian, or another person approved by the parent or legal guardian, for –  a. each transfer that occurs during the period of enrolment; and  b. the transfer that occurs at the end of enrolment; and  (ii) ensure that the parent or legal guardian is notified of each transfer plan. | Include who will be responsible for the transfer plan and the arrangements for back-up. |  |
| NZQA comments: |

#### Process Clause 74: International school learners under 10 years

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| (1) Each signatory must ensure that its international school learners under 10 years live with a parent or legal guardian, unless they are accommodated in a school hostel. (2) The requirements in clauses 72 and 73 apply, in addition to this clause, to international school learners who are under 10 years. |

If applicable, what do you have in place to ensure international school learners aged under 10 years live with a parent or legal guardian, unless they are accommodated in a school hostel?

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| Reference to supporting documentation: |
| NZQA comments: |

#### Process Clause 75 (1)

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| Each signatory must ensure that— | What procedures do you have in place? | Ref: |
| (a) appropriate measures are put in place to address the needs and issues of international school learners at risk or with additional learning needs; and |  |  |
| (b) the parent or legal guardian of a school learner under 18 years or the next of kin of a learner 18 years or over is aware of any situation where the learner is at risk or has additional learning needs; and |  |  |
| (c) where appropriate and in compliance and subject to the principles of the Privacy Act 2020, issues relating to the learners are reported to relevant agencies such as the New Zealand Police and the department responsible for administering the Oranga Tamariki Act 1989, and to the code administrator. |  |  |
| **Note:** please refer the Code clauses 75 (2) and (3) below for definitions of **learners at risk** and **learners with additional learning needs.** |
| NZQA comments: |

#### Process Clause 75 (2)

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| A learner is at risk if the signatory has reasonable grounds to believe that there is a serious issue relating to the learner’s health, safety, or well-being, including, for example, —(a) the learner is unable to adequately protect themselves against significant harm or exploitation;(b) the learner is unable to adequately safeguard their personal welfare. |

#### Process Clause 75 (3)

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

#### Process Clause 75 (4)

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| This clause applies in addition to the requirements set out in clauses 72, 73 and 74. |

#### Process Clause 76 (1)

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| In relation to an international school learner under 18 years who is in the care of a residential caregiver, the signatory must — | What procedures do you have in place? | Ref: |
| (a) ensure that the learner’s accommodation is safe, is in acceptable condition, and meets all regulatory and legislative requirements; and |  |  |
| (b) ensure that the safety check referred to in clause 77(1) is completed and is up to date; and |  |  |
| (c) ensure that an appropriate check is completed and is up to date for each person who is 18 years or over and who resides at the residential caregiver’s accommodation, for the purpose of ensuring the safety of the learner; and |  |  |
| (d) have a written agreement with the residential caregiver that specifies the role and responsibilities of each party in relation to the care of the learner; and |  |  |
| (e) maintain effective communication with the learner and the learner’s parent or legal guardian when accommodation issues arise, and must take responsibility for addressing those issues, including reporting them to relevant authorities and moving learners to appropriate accommodation; and |  |  |
| (f) conduct sufficient learner interviews and home visits to monitor and review the quality of residential care, taking into consideration the age of the learner, the length of the stay, and other relevant factors; and |  |  |
| (g) if the learner’s residential caregiver is a designated caregiver ensure that the parent or legal guardian of the learner has provided written agreement that the designated caregiver will be subject to the signatory’s approval and that the signatory is not responsible for the learner’s day-to-day care when the learner is in the custody of the designated caregiver; and (h) if the learner’s residential caregiver is a supervisor described in clause 77(2), 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 that supervisor; and |  |  |
| (i) ensure that there is appropriate separation of international learners from others of different ages in the accommodation; and |  |  |
| (j) ensure that the learner is appropriately supervised in the accommodation. |  |  |
| NZQA comments: |

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| \* **Note:** For the purposes of subclause 76(1)(c), a person who is 18 years or over and who resides at the residential caregiver’s accommodation includes a person of that age who—(a) temporarily resides at that accommodation; or(b) is or will be residing at that accommodation for 1 or more periods in any month (whether or not for valuable consideration), each period of which is 5 or more consecutive nights. |

#### Process Clause 76 (3)

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| In relation to an international school learner 18 years or over who lives in accommodation provided or arranged by a signatory, the signatory must— | If applicable, what procedures do you have in place? | Ref: |
| (a) ensure that the learner’s accommodation is safe, is in acceptable condition, and meets all regulatory and legislative requirements; and |  |  |
| (b) maintain effective communication with the learner when accommodation issues arise, and must take responsibility for addressing those issues, including reporting them to relevant authorities. |  |  |
| NZQA comments: |

#### Process Clause 76 (4)

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| In relation to an international school learner 18 years or over who arranges accommodation for themselves, the signatory must ensure that the learner is directed to relevant advice and information that will enable the learner to understand their rights and obligations as a tenant in New Zealand.  | Ref: |
| If applicable, what procedures do you have in place? |  |
| NZQA comments: |

# Outcome 19: Learner support, advice, and services

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| International school learners are fully informed by, and receive relevant advice from, their signatories on services to support their educational outcomesSee [the 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with the [Code-to-Code Comparison Tool for Schools](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf).  |

#### Suggested supporting documents for Outcome 19

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| X office document icon | Refer to your supporting documents in your responses.Include the relevant section or page number from your supporting documents in the ‘references’ section for each response. |
| * International school learner handbook or manual (information for parents or legal guardians, including orientation information)
 |
| * Policy and procedures for international school learner support, including career development support
 |

#### Process Clause 79 (a) – (e)

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| Each signatory must have practices for –  | What procedures do you have in place for providing this information and advice? | Ref: |
| (a) ensuring that information and advice provided by the signatory to international school learners is accurate, age-appropriate, and up to date; and |  |  |
| (b) providing its international learners with information about their legal rights and obligations and, where possible, the possible risks when learners receive or accept advice or services; and |  |  |
| (c) providing its international school learners with information and advice on—(i) how to effectively interact with persons from different cultural backgrounds; and(ii) the cultural and community support available to them; and(iii) how to adjust to a different cultural environment in New Zealand; and |  |  |
| (d) ensuring that its international school learners are provided with information on education and residency pathways and advice on pathways for further study or career development, where appropriate; and |  |  |
| (e) ensuring that, where applicable, its international school learners have access to information and advice on—(i) minimum wages and labour conditions in New Zealand; and(ii) maximum hours of work permitted under visa conditions; and(iii) how to access information and support regarding employment; and(iv) how to report misconduct by employers. |  |  |
| NZQA comments: |

# Outcome 20: Managing withdrawal and closure

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| Signatories must ensure that the fees paid by international learners for educational instruction in New Zealand are secure and protected in the event of learner withdrawal or the ending of educational instruction or the closure of a signatorySee [the 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with the [Code-to-Code Comparison Tool for Schools](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf).  |

#### Supporting documents for Outcome 20

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| --- | --- |
| X office document icon | Refer to your supporting documents in your responses.Include the relevant section or page number from your supporting documents in the ‘references’ section for each response. |
| * Procedure / policy for protection of fees paid by international school learners
 |
| * Refund policy and withdrawals procedure
 |

#### Process Clause 81 (1) and (2)

|  |  |  |
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| Each signatory must ensure that— | What procedures do you have in place? | Ref: |
| (a) its refund policies are reasonable and in accordance with legal requirements;and(b) it provides its international learners(or the parents or legal guardians of international learners under 18 years) with sufficient information to understand their rights and obligations under those refund policies. |  |  |
| A refund policy must include refund conditions for the following situations— | Reference the Refund Policy  | Ref: |
| (a) failure by a learner to obtain a study visa;(b) voluntary withdrawal by a learner;(c) the signatory ceasing to provide a course of educational instruction as contracted with a learner, whether it stops of its own accord or as required by an education quality assurance agency;(d) the signatory ceasing to be a signatory;(e) the signatory ceasing to be a provider. |  |  |
| NZQA comments: |

# Outcome 21 and 22: Dealing with complaints and compliance with international student contract Dispute Resolution Scheme (DRS)

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| Signatories must ensure that all international school learners have access to proper and fair procedures for dealing with complaints.Signatories must comply with the [relevant Dispute Resolution Scheme (DRS) rules](https://legislation.govt.nz/regulation/public/2016/0042/latest/whole.html#DLM6748772).Failure to comply with the [relevant Dispute Resolution Scheme (DRS) rules](https://legislation.govt.nz/regulation/public/2016/0042/latest/whole.html#DLM6748772) is a breach of this code and may trigger sanctions by the code administrator.See [the 2016 Code Guidelines](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/guidelines-code-of-practice-2019.pdf) along with the [Code-to-Code Comparison Tool for Schools](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Code-to-code-school-signatories.pdf).  |

#### Suggested supporting documents for Outcomes 21 and 22

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| --- | --- |
| X office document icon | Refer to your supporting documents in your responses.Include the relevant section or page number from your supporting documents in the ‘references’ section for each response. |
| * Grievance procedures/policies, inclusion of iStudent Complaints/DRS
 |
| * Enrolment/offer forms/letter template
 |

#### Process clauses 83

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| 1. Each signatory must ensure that—
 | What procedures do you have in place? | Ref: |
| (a) it has an effective internal process for addressing complaints by its international learners; and (b) its international learners are informed about that process. |  |  |
| 1. Each signatory must advise its international learners—
 | How and where will this advice be provided? | Ref: |
| (a) of the availability of recourse to the code administrator or the [relevant Dispute Resolution Scheme](https://legislation.govt.nz/regulation/public/2016/0042/latest/whole.html#DLM6748772) or any other relevant authority if a learner cannot access the internal complaints process or is dissatisfied with the outcome or experience of using that process; and |  |  |
| (b) how to make a complaint to the code administrator or to seek resolution of a financial dispute under the [relevant Dispute Resolution Scheme](https://legislation.govt.nz/regulation/public/2016/0042/latest/whole.html#DLM6748772). |  |  |

**Process clause 85 (1)**

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| Each signatory must ensure that it is familiar with the [relevant Dispute Resolution Scheme (DRS) rules](https://legislation.govt.nz/regulation/public/2016/0042/latest/whole.html#DLM6748772) and ensure compliance with those rules in a dispute to which it is a party.  | Ref: |
| What procedures do you have in place? |  |
| NZQA comments: |

1. There are no changes in requirements for schools in the 2021 Code from the 2016 Code except for clause numbers and some wording changes, which are outlined in the Comparison Tool. [↑](#footnote-ref-1)