

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

This application form should be used by tertiary providers 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.

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# 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) and NZQA’s [Guidance](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/NZQA-Code-2021-Implementation-Guidance-November-2021.pdf). You need to ensure that your organisation is aware of their responsibilities under the Code. Ensure you:

review Parts 1-6 and 8 of the Code and the Code guidance thoroughly to understand its aim and purpose,

check each link to understand the intent of each outcome,

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 organisation’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 students needs to be age appropriate.

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

**Useful documents**

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

* NZQA’s Code [Guidance](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/NZQA-Code-2021-Implementation-Guidance-November-2021.pdf) to support applicant’s understanding on how to put the Code into practice.
* [Gap analysis toolkit](https://www.nzqa.govt.nz/providers-partners/tertiary-and-international-learners-code/) outlining possible supporting documents / evidence (scroll down to: Gap Analysis Toolkit).

**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.

* [English NZ](https://www.englishnewzealand.co.nz/) (English New Zealand)
* [ITENZ](http://www.itenz.co.nz/) (Independent Tertiary Education New Zealand)
* [QTI](http://www.iti.org.nz/) (Quality Tertiary Institutions)
* [UNZ](https://www.universitiesnz.ac.nz/) (Universities New Zealand)
* [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 organisation 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](mailto: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](mailto: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.

**Tertiary education organisations (TEOs) apply online using their TEO Online login.**

# Name and contact details

Please provide the following details.

#### Organisation details

|  |  |  |  |
| --- | --- | --- | --- |
| Organisation name |  | | |
| CEO |  | | |
| MoE number |  | | |
| Student Roll |  | Learner age group |  |

#### Contact details for the organisation

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

#### Physical address of the organisation

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

#### Postal address of the organisation

*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

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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. |

|  |
| --- |
| Please provide these documents for Clause 4(2)(d): |
| * International Learner Policy |
| * Staff Handbook |

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

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

#### Clause 35: Process

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| Signatories must engage with diverse international tertiary learners to understand their wellbeing and safety needs under the outcomes of Parts 3, 4 and 5 of this code. |

The following process clauses are requirements excerpted from Parts 3, 4, and 5 for you to prepare enrolling international learners.

#### Process Clause 10 (1)

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| --- |
| Providers must 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 and take all reasonable steps to connect learners quickly to culturally appropriate social, medical, and mental health services. |

How will you identify and raise concerns about the wellbeing, safety and behaviour of learners?

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

#### Process Clause 10 (3)

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| --- |
| Providers must have plans for assisting learners, and responding effectively, in emergency situations in the learning or residential community (whether localised or more widespread), |

|  |  |
| --- | --- |
|  | Reference to supporting documentation: |
| 1) how do you ensure all learners, including disabled learners, know the relevant emergency plans? |  |
| 2) do you have suitably prepared, contactable staff members available for learners in an emergency? |  |
| 3) do you have 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? |  |
| NZQA comments: | |

#### Process Clause 12

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| --- |
| Providers must have practices for –   1. proactively building and maintaining effective relationships with diverse learner groups within their organisation; and 2. working with diverse learners and their communities to develop, review, and improve learner wellbeing and safety strategic goals, strategic plans and practices; and 3. providing formal and informal processes for actively hearing, engaging with, and developing the diverse range of learner voices and those of their communities; and 4. providing timely and accessible resources to learners to support them and their learner communities to develop the necessary skills to enable them to participate fully in decision-making processes; and 5. providing timely and accessible information to learners to increase transparency of providers’ decision-making processes |

How will you ensure learner voice is reflected in practices?

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

#### Process Clause 13 (a)

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| --- |
| Providers must work with learners to effectively respond to, and process complaints (including appropriate engagement with support people); |

#### Process Clause 13 (c)

|  |
| --- |
| Providers must handle complaints in a timely and efficient way, including having practices that –   1. are appropriate to the level of complexity or sensitivity of the complaint; and 2. consider the issues from a cultural perspective; and 3. include the provision of culturally responsive approaches that consider traditional processes for raising and resolving issues (for example, restorative justice); and 4. comply with the principles of natural justice; |

How will you effectively respond to and process complaints with the principles of natural justice?

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

#### Clause 19

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| 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. |

How will you proactively identify, monitor, and respond to the wellbeing and safety needs of, and risks to learners?

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

# Outcome 9: Prospective international tertiary learners are well informed

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| 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.  See the [Code Guidance, Outcome 9](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/NZQA-Code-2021-Implementation-Guidance-November-2021.pdf) |

**Suggested supporting documents for Outcome 9**

|  |  |
| --- | --- |
| 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 | |
| * Student/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 | |
| * Agent application form and selection policy | |
| * Agent contract | |
| * Agent training policy and/or procedures | |
| * Agent support and communications (process for updating agents) | |
| * Learner/parent/agent survey questions / templates | |
| * Key agent performance indicators (KPIs) for agents | |
| * Agent monitoring policy and/or procedures | |
| * Process for handling complaints against agents | |

### Process 1: Marketing and promotion

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| Each signatory must have marketing and promotion practice that include the following: |

#### Process Clause 37 (a)

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| Each signatory must have marketing and promotion practices, that proactively seek to understand the information needs of prospective international tertiary learners |

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

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

#### Process Clause 37 (b)

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| Each signatory must have marketing and promotion practices, that develop and provide information to international tertiary learners and review the information to ensure it is kept up to date |

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

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

#### Process Clause 37 (c)

|  |  |  |
| --- | --- | --- |
| Each signatory must have marketing and promotion practices, that ensure prospective international tertiary learners receive, as a minimum, up-to-date accessible and timely information about the following: | | |
| Information: | How and when it is made available? | Ref: |
| Quality assurance results  *Include link to your latest review (EER, AQA, etc.)* |  |  |
| Educational instruction, staffing, facilities, and equipment available to international tertiary learners |  |  |
| the Dispute Resolution Scheme |  |  |
| Potential learning outcomes, including pathways for further study, employment, or residency where applicable |  |  |
| Estimated study and living costs for international tertiary learners, including any additional fees or levies that are on top of the basic tuition fee; |  |  |
| Accommodation and transport, or ways to obtain such information |  |  |

### Process 2: Managing and monitoring education agents

Signatories must have practices for effectively managing and monitoring the performance and conduct of education agents in relation to learner safety and wellbeing under this code, including –

#### Process Clause 38 (a)

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| --- |
| Each signatory must have practices to 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 Clauses 38 (b) and (c)

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| --- |
| Each signatory has practices to enter into written contracts with each of its education agents; and during the term of a contract, effectively monitor the activities and performance of its education agents in relation to —  (i) their obligations as specified in the contract; and  (ii) whether they provide prospective and enrolled international tertiary 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 and enrolled international tertiary 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; |

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 38 (d)

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| --- |
| Each signatory must have practices to effectively manage the education agents by—  (i) terminating contracts with an education agent if there is evidence which, on the balance of probabilities, shows that the education 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 education 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 agent misconduct?

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

#### Process Clause 38 (e)

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| --- |
| Each signatory must have practices to ensure that its 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 10: Offer, enrolment, contracts, insurance and visa

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| --- |
| 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.  See the [Code Guidance, Outcome 10](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/NZQA-Code-2021-Implementation-Guidance-November-2021.pdf) |

### Suggested supporting documents for Outcome 10

|  |  |
| --- | --- |
| 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 Insurance Policy | |
| * Policy and/or process for obtaining the written agreement from the parent(s) or legal guardian of any international learner under 18 years to decisions affecting the learner | |
| * Admission procedures | |
| * Enrolment procedures | |
| * Offer of Place (all versions for student ages) | |
| * Procedures for monitoring immigration status, visa expiry and reporting termination of enrolment | |
| * Procedure / policy for protection of fees paid by international learners | |
| * Refund policy and withdrawals procedure | |

### Process 1: Offer of educational instruction

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| 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. |

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

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

### Process 2: Information to be provided before entering contract

#### Process Clauses 41 (1)(a) – (i)

|  |  |  |
| --- | --- | --- |
| Signatories must have practices that ensure prospective international tertiary learners (or the parents or legal guardian of international students under 18 years) receive, as a minimum, accurate, timely and tailored 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 tertiary learners |  |  |
| The education provided and its outcome, for example, whether a qualification is granted |  |  |
| Refund conditions that comply with the outcome and process in clause 46 |  |  |
| 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 Rules; |  |  |
| Full costs related to an offer of educational instruction |  |  |
| NZQA comments: | | |

#### Process Clause 41 (2)

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| --- |
| Each signatory must ensure that, before entering into a contract of enrolment or enrolling with the signatory, each international tertiary 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?

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

### Process 3: Contract of enrolment

#### Process Clauses 42 (1)(a)-(e)

|  |  |  |
| --- | --- | --- |
| Each signatory must ensure that a contract of enrolment is entered into between your organisation and each international tertiary learner (or their parent or legal guardian if under 18) that includes the following information: | | |
| Information | How and when it is made available? | Ref: |
| The beginning and end dates of enrolment |  |  |
| The grounds for terminating the contract of enrolment |  |  |
| The circumstances under which the learner’s conduct may be in breach of the contract of enrolment |  |  |
| The type of disciplinary action short of termination of the contract of enrolment, that may be taken by the signatory against the learner (for example, suspension, exclusion, or the termination of enrolment) |  |  |
| 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 42 (2)

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| --- |
| Each signatory must ensure that the contract of enrolment is fair and reasonable. |

How have you ensured that the contract of enrolment is fair and reasonable?

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

### Process 4: Disciplinary action

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| --- |
| Any process undertaken under clause 42(1)(e) for terminating the contract of enrolment under clause 42(1)(b) or for taking disciplinary action under clause 42(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 for terminating the contract of enrolment?

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

### Process 5: Insurance

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| (1) Each signatory must have practices that ensure, as far as practicable, each international tertiary learner who is enrolled with the signatory for educational instruction of 2 weeks’ duration or longer has appropriate insurance covering –—  (a) the international tertiary 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 international tertiary 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 international tertiary 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 international tertiary 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 international tertiary 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 student has appropriate insurance while enrolled with you, and including travel to and from New Zealand, covering 1-3 above?

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

### Process 6: Immigration matters

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| --- | --- | --- |
| Signatories must have practices that as far as possible will ensure that international tertiary learners are entitled to study in New Zealand under the Immigration Act 2009, including – | What procedure do you have in place? | Ref: |
| Ensuring that each international tertiary learner who enrols with the signatory has the necessary immigration status for study in New Zealand |  |  |
| Reporting to Immigration New Zealand known or suspected breaches of visa conditions by international tertiary learners |  |  |
| Notifying Immigration New Zealand of terminations of enrolment. |  |  |
| NZQA comments: | | |

### Process 7: Student fee protection and managing withdrawal and closure

#### Process Clauses 46 (1) (a) – (c)

|  |  |  |
| --- | --- | --- |
| Each signatory must ensure that— | What procedures do you have in place? | Ref: |
| (a) fees paid by international tertiary learners are secure and protected in the event of student  and  (b) its refund policies are fair and reasonable  and  (c) it provides its international tertiary learners (or the parents or legal guardian of international tertiary learners under 18 years) with sufficient information to understand their rights and obligations under those refund policies |  |  |
| NZQA comments: | | |

#### Process Clauses 46 (2) (a) – (e)

|  |  |  |
| --- | --- | --- |
| A refund policy must include refund conditions for the following situations— | Reference the Refund Policy | Ref: |
| (a) failure by an international tertiary learner to obtain a study visa;  (b) voluntary withdrawal by an international tertiary learner;  (c) the signatory ceasing to provide a course of educational instruction as contracted with an international tertiary learner, whether as the result of a decision by the signatory or as required by an education quality assurance agency; and;  (d) the signatory ceasing to be a signatory;  (e) the signatory ceasing to be a provider. |  |  |

# Outcome 11: International learners receive appropriate orientations, information and advice

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| 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.  See the [Code Guidance, Outcome 11](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/NZQA-Code-2021-Implementation-Guidance-November-2021.pdf) |

### Suggested supporting documents for Outcome 11

|  |  |
| --- | --- |
| 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 student orientation and programme orientation) | |
| * Orientation information (and/or international student handbook) | |
| * Orientation information and/or procedures for staff | |
| * Processes for self-review of your orientation programme | |
| * International student handbook or manual (information for parents or legal guardians, including orientation information) | |
| * Policy and procedures for international student support, including career development support | |

### Process: Provision of information

#### Process Clauses 48 (a) and (b)

|  |  |  |
| --- | --- | --- |
| (48) Signatories must— | What procedures do you have in place? | Ref: |
| (a) ensure that information and advice provided by the signatory to international tertiary learners is accurate, age-appropriate, up to date and presented in a way that meets the ongoing needs of diverse learners; and |  |  |
| (b) ensure that ongoing provision of information and advice is appropriate to the needs of the learner (or the parents or legal guardian of international learners under 18 years) within the particular learning, communal and residential context; |  |  |
| NZQA comments: | | |

#### Process Clauses 48 (c) and (d)

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| (48) Signatories must— | What procedures do you have in place for ensuring this information and advice is provided to each learner? | Ref: |
| (c) provide the names and contact details of designated staff members responsible for international tertiary learner support |  |  |
| (d) provide appropriate information relating to health and safety of international tertiary learners (including in relation to any disabilities or impairments a learner may have); |  |  |
| NZQA comments: | | |

#### Process Clauses 48 (e), (f) and (g)

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| (48) Signatories must— | What procedures do you have in place for providing this information and advice? | | Ref: |
| (e) provide information about the termination of enrolment; and |  |  | |
| (f) provide information to international tertiary learners (or the parents or legal guardian of international learners under 18 years) about their legal rights and obligations and, where possible, the risks when learners receive or accept advice or services; and |  |  | |
| (g) provide information about the international tertiary learner’s rights and entitlements, including any entitlement to a fee refund, if the learner voluntarily withdraws from the educational instruction; |  |  | |
| NZQA comments: | | | |

#### Process Clause 48 (h)

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| (48) Signatories must— | What procedures do you have in place for providing this information and advice? | | Ref: |
| (h) provide each international tertiary learner with full information and advice on –  (i) all relevant policies of the signatory; and  (ii) the services, support, and facilities that the signatory offers; and  (iii) where applicable, how to adjust to a different cultural environment; and  (iv) where applicable –  a. minimum wages and labour conditions in New Zealand  b. maximum hours of work permitted under visa conditions; and  c. how to access information and support regarding employment; and  d. how to report misconduct by employers; |  |  | |
| NZQA comments: | | | |

#### Process Clause (i)

If applicable, what do you have in place to ensure that parent(s), legal guardian(s) and/or residential caregiver(s) have access to the information, advice or programme that has been provided to the learner?

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

# Outcome 12: Safety and appropriate supervision of international tertiary learners

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| 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.  See the [Code Guidance, Outcome 12](https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/NZQA-Code-2021-Implementation-Guidance-November-2021.pdf) |

#### Suggested supporting documents for Outcome 12

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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 student behaviour expectations (including attendance and possible consequences of misbehaviour) policies | |
| * Processes to manage your 24/7 staff contact for international students | |
| * Critical incident plan / emergency plan, for international students | |
| * Template for international student 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 student visits including sample agreements between your institution 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 student/parent complaints | |
| * Policy for student with special needs or at risk, and policy and procedures to support those students | |
| * Policy and procedures for Health and Safety, including mental well-being | |
| * Policy and procedures for maintaining required information of students | |
| * Policy and procedures for accommodation support for students 18 years old or above | |

### Process 1: International tertiary learners under 18 years

#### Process clauses 50 (1)(a) – (d)

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| (1) In relation to international tertiary learners under 18 years, each signatory must have additional practices including – | What procedure do you have in place? | Ref: |
| (a) not enrolling an international student 10 years or older but under 18 years who does not live with a parent or legal guardian unless—  (i) the student is in a properly supervised group of students whose educational instruction is not for more than 3 months; or  (ii) the learner is in the care of the manager of tertiary student accommodation covered in Part 5 of this code; and  (ii) the student is in the care of a residential caregiver; and |  |  |
| (b) maintaining effective communications with the parents, legal guardians, or residential caregivers of international tertiary learners concerning their well-being and progress in study; and |  |  |
| (c) ensuring that at least 1 staff member is designated to proactively monitor and address any concerns about international tertiary learners under 18 years; and | Who is the designated staff member and what procedures are there for back-up? |  |
| (d) if the international tertiary learners is in the care of a residential caregiver—  (i) ensuring 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) ensuring 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 2: International students under 10 years

#### Process Clauses 51 (1) and (2)

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| (1) Each signatory must ensure that its international tertiary learners under 10 years live with a parent or legal guardian.  (2) The requirements in clauses 49 and 50 apply, in addition to this clause, to international tertiary learners who are under 10 years. |

If applicable, what do you have in place to ensure international tertiary learners aged under 10 years live with a parent or legal guardian?

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

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

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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 tertiary learner under 18 years with respect to 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. |

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

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

### Process 4: Accommodation for international tertiary learners under 18 years

#### Process Clauses 53 (1)(a) – (j)

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| In relation to an international tertiary learner under 18 years who is in the care of a residential caregiver while living in accommodation that is not subject to Part 5 of this code, the signatory must – | What procedures do you have in place? | Ref: |
| (a) ensure that the student’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 54 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 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 student’s residential caregiver is a designated caregiver, ensure that the parent or legal guardian of the student 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 student’s day to day care when the student is in the custody of the designated caregiver; and |  |  |
| (h) if the learner’s residential caregiver is a supervisor described in clause 54(3), 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 tertiary 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 clause 53(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 6: Accommodation for international tertiary learners 18 or over

#### Process Clause 55 (1)

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| In relation to an international tertiary learner 18 years or over who lives in accommodation provided or arranged by a signatory and not subject to Part 5, 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: | | |

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| \* **Note:** In this clause, accommodation issues include issues of health and wellbeing arising from a learner’s accommodation or connected with it. |
| In addition to the requirements outlined above, if you deliver student accommodation as defined in [section 5B](https://www.legislation.govt.nz/act/public/1986/0120/latest/DLM3279734.html?search=sw_096be8ed81b6dc8b_238D_25_se&p=1#DLM3279734) of the Residential Tenancies Act, you also need to comply with clauses 23 – 33 (Outcomes 5 – 7).  If you provide such student accommodation, contact NZQA at [code.enquiries@nzqa.govt.nz](mailto:code.enquiries@nzqa.govt.nz) to seek further advice. |