



NEW ZEALAND QUALIFICATIONS AUTHORITY  
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## Guidelines for the Education (Pastoral Care of International Students) Code of Practice 2016 – Schools

July 2016

**July 2016**

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# Introduction

NZQA wishes to acknowledge the contribution of the Schools International Education Business Association of New Zealand (SIEBA) in the preparation of these guidelines.

## Purpose and principles

These guidelines are for use by schools.

These are guidelines to help support signatories, and potential signatories, to establish practices that meet the legislative outcomes of the Education (Pastoral Care of International Students) Code of Practice 2016 – the Code.

The Code prescribes (alongside other quality assurance prescriptions in the Education Act 1989) the outcomes sought from signatories for their international students, and the key processes required of signatories to support the well-being and achievement of international students. The Code also prescribes the rights of international students under 18 years old (recognising that there are some students over the age of 18 years old enrolled in some schools).

## Scope

These guidelines give ‘school’ signatories, or potential signatories, advice about the Code. They are not government policy and not all of the information and advice will be relevant to all ‘school’ signatories. They do not cover all requirements under the Outcomes in the Code.

## How to use these guidelines

These guidelines must be read in conjunction with the Code. They have been structured around key outcome areas of the Code, and refer to relevant clauses for ease of use.

The New Zealand international education industry is made up of a wide range of providers operations, some with only a few international students, others with hundreds.

There is no one-size-fits-all approach when ensuring the best care for international students – signatories must understand their own unique path to actively support their international students and continually review and improve what they do.

## How to become a signatory

For guidance on how to become a signatory (including the application form) please refer to the page on the NZQA website on how to apply for approval to enrol international students for more information: <http://www.nzqa.govt.nz/providers-partners/caring-for-international-students/guidelines-applications-and-information-for-signatories/code-of-practice-application-forms/>

## Understanding the terms ‘reasonable’ and ‘as far as possible/practicable’

The terms ‘reasonable’ and ‘as far as possible or practicable’ are used throughout the Code to help guide signatories. This acknowledges the variety of signatories’ circumstances, and the types of students they enrol.

# Outcome 1: Marketing and promotion

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

## Reference in the Code

Marketing and promotion

Outcome 1: Marketing and promotion

What signatories must do – go to clause 11, page 6

## The intent of this outcome

The intent of this outcome is to ensure prospective students and their families have a full and realistic picture of what it will be like to live and study in New Zealand.

Students and their families require detailed information to enable them to make a sound decision. This includes costs they may face, the reality of day-to-day life, and where relevant, what kind of employment opportunities students are likely to have during and after study. It is important that this information is regularly reviewed and updated.

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## Good practice for marketing and promotion

### Understanding the information needs of students

Understanding the needs of students is key in order to offer marketing and promotional information that supports them in making important decisions about their international education. There are a number of ways to ascertain what information students require. These include:

- interviewing existing and potential students
- questionnaires for parents
- surveys of partner agents
- reviewing international market information.

Surveys can be provided through school websites, social media and as hard copy. Translation into other languages can assist parents and students to share their information needs with schools.

A student survey within the first weeks of enrolment is a valuable opportunity to get feedback on the content and quality of marketing material received by students. This may be done as a group or individually.

### Providing current information to students

Current marketing information drives the decision making of prospective international students. Marketing information should be regularly reviewed and evidence of the review retained.

Marketing material should represent the school in an accurate and professional manner and could be offered to students and families through:

- the school website
- marketing brochures or pamphlets
- social media campaigns (for example Facebook, Instagram or Weibo)
- hard copies of other school documents
- short video clips
- photos and images
- exhibition stands at recruitment fairs
- branded materials such as business cards, posters, clothing, pens, bags and notepads.

### **Information for students**

Signatories must as a minimum provide information to prospective students on:

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

Ideas about what information can inform students in these areas is outlined below.

### **Quality assurance results**

Schools can include a link to their latest Education Review Office (ERO) report to inform students about their quality assurance results. The ERO report will comment on provisions for international students if any were enrolled at the time of the review. Schools can also reproduce relevant statements from the ERO report for printed and web-based promotional materials.

### **Education instruction, staffing, facilities and equipment**

Promotional material should include information about approaches to education instruction, staff, facilities available and equipment students will have access to. It can be reassuring for parents and students to be introduced to international and ESOL staff with photos and contact details. Some schools may have first language support available to speak directly with students and parents.

Information on instruction, staffing, facilities and equipment can be made available through:

- online links to the school's prospectus
- brochures and website images
- a virtual tour of the school, including school activities such as sports, drama and dance
- a Skype conversation between international staff and new students
- a video of classroom activities.

## The Disputes Resolution Scheme (DRS)

It is important that students know what the DRS is and how they can contact iStudent Complaints, the DRS operator.

Information about iStudent Complaints may be provided to prospective students through links to information about the DRS online at <http://www.fairwayresolution.com/istudent-complaints>.

See also Outcome 10 for more information.

## Potential learning outcomes and pathways

School course outlines provide valuable information on learning outcomes available to international students. Course information and details on the National Certificate of Educational Achievement (NCEA) can be made available through online publications and hard copy information.

Career options and pathways are offered to domestic students. This can be extended to international students through guidance counsellors.

International students may need additional support when applying for future study at universities within New Zealand and abroad. Young international students entering secondary school from a New Zealand intermediate school may also need additional assistance.

Years 12 and 13 students can apply for a variation to their student visa to allow them to work up to 20 hours per week during holiday periods with written permission from the school and their parents or legal guardian. Please refer to Immigration New Zealand for more information: <https://www.immigration.govt.nz/new-zealand-visas/options/study>

## Study and living costs

Potential students and their families need information about the costs they may face to allow them to make an informed decision about enrolment. Costs should cover course and study costs, as well as living costs and the cost of leisure activities outside of school hours.

## Accommodation and transport

Information about accommodation options is important to support students and families in making sound enrolment decisions. In many cases, accommodation will be arranged by schools. Details should be provided to families once accommodation arrangements have been made.

Information about transport options for students will help them to manage their time outside of school hours. This should include any school transport policies relating to international students and those relating to motor vehicles. Information on public transport can be made available to students during orientation or through pre-departure information.

## Useful links

- The Code: <http://www.nzqa.govt.nz/>
- Student complaints: [gadrisk@nzqa.govt.nz](mailto:gadrisk@nzqa.govt.nz)
- Study in New Zealand: <http://www.studyinnewzealand.govt.nz>
- NZQA's Studying in New Zealand: <http://www.nzqa.govt.nz/studying-in-new-zealand/>

- Immigration New Zealand's Studying in New Zealand: <https://www.immigration.govt.nz/new-zealand-visas/options/study>
- New Zealand Now: <http://www.newzealandnow.govt.nz>
- Tourism New Zealand: <http://www.tourismnewzealand.com>



## Outcome 2: Managing and monitoring agents

*Signatories must effectively manage and monitor their agents (that is, those agents that the signatories have contracted to represent them) to ensure that those agents:*

- (a) provide international students with reliable information and advice about studying, working and living in New Zealand*
- (b) act with integrity and professionalism toward prospective international students.*

### Reference in the Code

Agents

Outcome 2: Managing and monitoring agents

What signatories must do – go to clause 13, page 7

### The intent of this outcome

The intent of this outcome is to acknowledge that agents play an important role in the decision making of international students and their families. It is vital that agents act with the utmost integrity at all times and are clear about their obligations to families and schools. It is important for schools to have procedures to make sure students and their families receive the best information and support possible.

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### London Statement of Principles

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

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

Agents are required to abide by these ethical principles at all times. The Code requires schools to have procedures in place to monitor and manage the conduct of partner agents. The London Statement of Principles provides a useful framework to support schools in monitoring and managing the conduct of partner agents.

## Good practice when using agents

Agents play a critical role in representing schools to prospective students. When enlisting the assistance of new agents, schools should learn as much as they can about the agent before entering into a partner agreement.

Signatories are required to complete and record reference checks, enter into written contracts, terminate contracts where misconduct has occurred, and ensure agents have access to information relating to their duties. These areas are discussed below.

### Reference check

Reference checking provides valuable information about the experience, conduct and reputation of a potential agent. References can be sought from:

- other signatories
- student families
- other commercial partners
- NZ Government agencies
- past employers of key personnel
- personal references.

Schools contracting accommodation agents to provide services could request:

- history, experience and relevant training
- written references (referees could include other signatories)
- registration with the New Zealand Police Vetting Service
- evidence of ability to communicate with all parties (school, homestay families, parents, students).

### Written contracts

Written contracts are required with each agent you use, whether it be for recruitment or accommodation. A written contract sets out the terms and conditions for the partnership.

Schools should consider how often to renew agent contracts. Renewing contracts annually or biannually may be a way of refreshing due diligence of the activities of an agent and allow schools to discontinue a contract if an agent was unsuitable.

Agent contracts that are reviewed regularly provide for the opportunity to develop a long and trusted partnership and address issues that arise.

The following could be included in an agent contract:

- Expectations of the roles and duties of the agent and of the school
- Reference to the London Statement of Principles
- The commission, timing and circumstances for payment
- Responsibilities for communicating with parents and legal guardians
- Ethical standards and obligations under the Code
- Procedures for monitoring agent performance
- Conditions for terminating the contract

Legal advice regarding contracts with agents can help to create a contract that clearly communicates rights and responsibilities.

## **Termination of contracts**

It is important to have procedures to monitor the behaviour of contracted agents and to terminate contracts when conduct by an agent falls outside of the agreements. Agent contracts should be cancelled if conduct is found to be false, misleading or deceptive.

During contract reviews, agents can be asked to make a declaration that their conduct remains ethical and does not jeopardise the school's compliance with the Code.

Further information about agent conduct could be collected through:

- regular feedback from students and their parents/guardians
- communication with schools using the same agent
- history of successful placements by the agent.

The Fair Trading Act 1986 provides guidance on false, misleading and deceptive behaviour by suppliers of goods and services (Section 9 and Section 13).

Examples of unethical behaviour could include:

- pressuring students to transfer to another school for the purpose of obtaining additional commission
- producing materials with unsubstantiated claims
- representing schools in a misleading or dishonest manner
- providing inadequate or unsafe accommodation if an accommodation agent is used.

## **Information**

Schools can support agents to meet their duties under an agent agreement by ensuring they have up-to-date information about the school and their responsibilities under the Code of Practice. Information provided to agents should be reviewed and updated regularly.

Agent handbooks are a valuable tool to clearly communicate expectations for both the agent and the school. Regular agent newsletters also keeps agents well informed of any changes.

Agent visits are also an excellent opportunity to share up-to-date information with agents.

## **Additional information**

### **Licensed Immigration Advisers**

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

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

Immigration New Zealand is required by the IALA to refuse to process applications for visas that have been made by unlicensed advisers. If students or signatories know or suspect an

agent is providing immigration advice outside the scope of the exemption, the matter can be referred to the Immigration Advisers Authority.

Full details of the licensing regime are available from the Immigration Advisers Authority's website at [www.iaa.govt.nz](http://www.iaa.govt.nz)

## Outcome 3: Offers, enrolment and contracts

*Signatories must:*

- (a) support international students (or the parents or legal guardians of international students under 18 years) to make well-informed enrolment decisions that are appropriate to the educational outcomes sought; and*
- (b) ensure that international students (or the parents or legal guardians of international students 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 proper documentation is kept and, where appropriate, provided to international students (or the parents or legal guardians of international students under 18 years).*

### Reference in the Code

Offers, enrolment, and contracts

Outcome 3: Offers, enrolment, and contracts

What signatories must do – go to clause 15, page 8

### The intent of this outcome

The intent of this outcome is to ensure you have good systems and documentation set up to manage the offer, enrolment and contract for each new student, and ensure that students and their families are clear on their obligations and responsibilities.

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### Good practice for information to students

Information for students is critical to support the decision to enroll. Schools are required to share certain information to support students in their enrolment decision, including:

- information about school evaluations
- compliance notices
- education and qualifications
- refund conditions
- staffing, facilities and equipment
- available services and support
- insurance and visa requirements
- the Code of Practice and the dispute resolution scheme and
- full costs of the offer of place.

Guidance on these areas is outlined below.

## School quality assurance evaluations

Providing a link to the latest ERO report for schools is an effective way to make this information available to students and their families. ERO will comment on the school's provision for international students if any were enrolled at the time of the review. Schools can also reproduce relevant statements from the ERO report for printed and web-based promotional material.

Schools can also provide links to the following organizations for further information on quality assurance:

- NZQA website (NCEA): <http://www.nzqa.govt.nz/>
- Ministry of Education website (MoE) (primary schools): [www.education.govt.nz](http://www.education.govt.nz)
- Education NZ website (clear explanation of the New Zealand education system): [www.enz.govt.nz](http://www.enz.govt.nz)
- International Baccalaureate (IB): [www.ibschools.org.nz](http://www.ibschools.org.nz)
- The Association of Cambridge Schools in New Zealand (Inc): [www.acsnz.org.nz](http://www.acsnz.org.nz)

## Compliance notices

Schools must ensure that compliance notices or conditions imposed under the Education Standards Act 2001 which present “risks to the operation of individual schools or to the welfare or educational performance of their students” be disclosed to prospective students.

*(Section 78H of the Education Standards Act 2001 (2001 No 88))*

## Education and qualifications

Education outcomes and qualifications that are available is important information for students and families. Outcomes and qualifications that are aligned to a student's future education and career intentions are more likely to lead to a successful enrolment. Information about the New Zealand education system and NCEA are available from the MoE website. This can be shared with students and families through promotional material.

It is important for schools to make an evaluation of the expectations for students from their education programme, and to assess their English language proficiency and academic ability. This information is important for schools to place international students in appropriate courses.

International students are entitled to the same opportunities from the Education Act 1989 as domestic students. So processes are needed to ensure their education needs are met by the instruction offered.

## Refund conditions

The conditions under which refunds will be made to international students should be clearly set out in the information that is provided to international students and their families.

This can be contained in student contracts and other documentation provided as part of the contract process.

## Staffing, facilities and equipment

Promotional material or the Student Handbook (and Orientation Handbook) should include information about staff, facilities available to international students and equipment students will have access to. It can be reassuring for parents and students to be introduced to

international and ESOL staff with photos and contact details through the website. Some schools may have first language support available to speak directly with students and parents.

Information on staffing and facilities can be made available through:

- online links to the school's prospectus
- brochures and website images
- a virtual tour of the school, including school activities such as sports, drama and dance
- a Skype conversation between international staff and new students
- a video of classroom activities.

## **Student insurance**

From 1 July 2016, there are greater requirements on signatories regarding insurance for international students studying for two weeks or longer. International students may not be entitled to publicly funded health services while in New Zealand, so may be liable for the full cost of any treatment.

Appropriate insurance is, therefore, required in order to meet any health costs that may arise. Schools must ensure that students have appropriate insurance (see Outcome 3 – Offers, enrolment and contracts, section 16(5)(a-d) of the Code of Practice).

Students and families are able to provide their own insurance cover, however, in this situation. Details of the cover available under those policies should be provided in English to ensure the policy meets the requirements set out in the Code.

Schools may also purchase insurance on behalf of students through New Zealand-based insurance providers.

Full details on entitlements to publicly funded health services are available through the Ministry of Health at [www.health.govt.nz](http://www.health.govt.nz).

The Accident Compensation Corporation provides accident insurance for all New Zealand citizens, residents, and temporary visitors to New Zealand, but international students may still be liable for all other medical and related costs. For more information, go to [www.acc.co.nz](http://www.acc.co.nz).

## **Good practice for contracts**

The student contract is a key mechanism to obtain agreement from parents that they understand and agree to their rights and responsibilities. From 1 July 2016 there is an increased responsibility for schools to make the rights and responsibilities attached to enrolment known and understood by families and students. The student contract therefore becomes an important tool in this regard.

In addition to the requirements set out in the Code for inclusion in a student contract (beginning and end dates and conditions for termination of enrolment and contract), the student contract offers an opportunity to ensure that schools remain compliant with the Code and with other New Zealand legislation.

Signed contracts should be in English in order to retain the integrity of the conditions to the contract. Copies may be offered in other languages to assist families and students to fully understand their rights and responsibilities. Partner agents also play a key role in supporting families to understand the content of student contracts.

Contracts can be used to reinforce the importance of providing full and accurate information, including information about risk factors and special learning needs. This can also include consequences of non-disclosure and implications for insurance cover.

Contracts are a legal document and having contracts reviewed by a lawyer will help to ensure they meet the requirements of the Code and other New Zealand legislation.

### **Stand-downs, suspensions, exclusions and expulsions from schools**

The international student contract cannot override the stand-down, suspension exclusion and expulsions sections of the Education Act 1989 (sections 13-19), and the school must comply with those provisions.

In relation to wording for the contract, best practice would be to say in the contract that the school will follow these provisions and the Ministry of Education's guidance for school's on stand-downs, suspensions and termination of enrolment (and provide a web-link to the guidance). <http://www.education.govt.nz/school/managing-and-supporting-students/student-behaviour-help-and-guidance/stand-downs-suspensions-exclusions-and-expulsions-guidelines/>

Note that any stand-down, suspension, exclusion, or expulsion has to relate to misconduct at the school, rather than outside school hours during the student's personal time.

Where misconduct occurs at accommodation or otherwise outside school time, while of itself it cannot be used as a basis for stand-down, suspension, exclusion, or expulsion, it may need to be addressed by the school depending on the circumstances. Where it is addressed, ensure there is a fair process for all parties affected, and consider obtaining legal advice. Also, the Ministry of Education administers these provisions so schools may wish to contact their Ministry Regional Office for assistance.

### **Offers of place**

Parents and legal guardians will sign student contracts for school age students. They will require full information about the cost of enrolment. Agents play a key role in this process and so agents should be fully informed about enrolment fees and other costs relating to the offer of place. Student contracts and invoices play a key role in effectively communicating fees related to enrolment.

It is also important to consider the role partner agents play in the enrolment process and clear agreements around how fee information is communicated so that families and students are fully informed.

### **Available services and support**

Students will require significant support during the course of their enrolment. Clear and accessible information about the services and support available to students both through the school and in the community is important.

Information can be made available to students and their families through orientation processes and information published in marketing and promotional material.



## Outcome 4: Immigration matters

Signatories must:

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

### Reference in the Code

Immigration matters

Outcome 4: Immigration matters

What signatories must do – go to clause 17, page 9

### The intent of this outcome

The intent of this outcome is to ensure that students have Immigration approval to undertake their course, and that they understand their rights and responsibilities around immigration matters.

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### Overview of student visas

A student visa (or a limited visa granted for the purpose of study) is required for international students coming to New Zealand to study for more than three months. Study must be the main purpose of the visit.

A student visa (or a limited visa granted for the purpose of study) is subject to certain conditions and any breaches must be reported to Immigration New Zealand.

Visa conditions can include, but are not limited to:

- having sufficient funds for maintenance while in New Zealand
- attending the course at all times unless there are genuine reasons for any absences, and making satisfactory academic progress
- studying at the place of study specified on the student visa
- having acceptable insurance for the duration of the student visa
- working no more than the hours specified on the student visa (if the students are in Years 12 and 13 and have sought a variation of conditions with permission of the school)
- living with a parent or legal guardian if required.

For students whose study period is less than three months, they may enter under a visitor's visa.

### Good practice for immigration status

Checking the student's entitlement to study in New Zealand to ensure students have the valid and appropriate visa, can be done in a number of ways, including:

- using Immigration New Zealand's VisaView service which can be accessed through: <http://www.immigration.govt.nz/VisaView>

- sight the visa in the passport.

Once you have sighted the student's visa, you should check that the:

- name of the school is on the visa
- dates on the visa are current.

It is important to keep accurate records including the following:

- photocopy of the title page and the visa page of the student's passport and keep this information on file or
- print the VisaView enquiry results page and
- record the commencement and expiry dates of the visa and
- keep a copy of the the student's insurance policy.

Schools are required to report to Immigration New Zealand known or suspected breaches of visa conditions by international students. Breaches or suspected breaches should be reported as soon as they are suspected.

As part of visa conditions, students should meet any attendance requirements for their programme of study and also make satisfactory progress. As with domestic students, processes should be in place to monitor the academic progress and attendance of students.

Immigration New Zealand may request evidence from schools to confirm that students are complying with these particular visa conditions.

If a student's enrolment is terminated, Immigration New Zealand should be notified by completing the termination of enrolment form which can be found on the Immigration New Zealand website at <http://www.dol.govt.nz/immigration/studenttermination/>

It is good practice to keep Immigration New Zealand informed if a student is habitually absent and there is a likelihood that their enrolment could be terminated through non-attendance.

### **Further Information - Guardian/Visitor Visa Conditions**

If a parent is accompanying a student for the sole purpose of education in New Zealand their visa must state the name of the dependent that they are responsible for while living in New Zealand and the parent must live with the student. Schools need to complete routine checks to ensure that parents are living with the student and are still in New Zealand. Should a school find that a parent or legal guardian has returned to their home country they need to inform Immigration New Zealand.

Parents on visitor/guardian visas may apply for a variation to the conditions of their visa if they wish to work while living in New Zealand. Parents are usually required to have a contract with an employer to enable them to apply for a variation of conditions to their visa.

The variation of conditions is mainly applied for onshore in New Zealand once the parent has a job.

### **Immigration agents**

Schools cannot give immigration 'advice'. Only licensed immigration agents may give advice about immigration requirements. Full details can be found at the Immigration Adviser Authority's website at <http://www.iaa.govt.nz>

Immigration requirements and questions relating to a student's immigration status rest with Immigration New Zealand. Please refer to Immigration New Zealand's website for details: <https://www.immigration.govt.nz/new-zealand-visas/options/study>

Full details of immigration requirements, advice on rights to employment in New Zealand while studying, and reporting requirements are available from Immigration New Zealand, and can be viewed on their website at <https://www.immigration.govt.nz/new-zealand-visas> .

## Outcome 5: Orientation

*Signatories must ensure that international students have the opportunity to participate in a well-designed and age-appropriate programme that provides the information and advice necessary for a student at the outset of his or her educational instruction.*

### Reference in the Code

Orientation

Outcome 5: Orientation

What signatories must do – go to clause 19, page 10

### The intent of this outcome

The intent of this outcome is to ensure that students, and where relevant their parents or legal guardians, have appropriate orientation to help them adjust to life and study in New Zealand.

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### Good practice for orientation processes

Orientation processes are critical to prepare international students for success in their new environment. The key to successful orientation is the extent to which signatories successfully communicate important information about rights and responsibilities to new students and their families.

Orientation processes are opportunities that signatories create during the first weeks of a new enrolment to assist international students and their families to become familiar with their new environment and community. Orientation processes can also extend to pre-departure information. The duration of orientation processes will vary depending on the type of signatory and the courses that students enrol in.

This section should be read in conjunction with:

- Outcome 3 – Offers, enrolment and contracts
- Outcome 6 – Safety and well-being
- Outcome 7 – Student support, advice and services
- Outcome 9 – Dealing with grievances

### Information on school policies

In some cases, international students' rights and responsibilities will be covered in policies applicable to all students while other policies may need to be developed specifically for international students.

This information could be shared with students during the orientation process.

The policies required by schools will vary and will be determined by the type of school and courses offered.

Schools can ensure that students have access to relevant policies through policy lists included in student handbooks, a policies folder stored in a central location for student access and access to school policies online.

## Services, support and facilities

Schools are required to ensure that international students are aware of the student services, support and facilities available. They should provide details of how students can access services and how to make the most of facilities that are available.

The services may be provided within the school, such as academic and pastoral care support, or may be community-based services, including health services, sports teams, extra-curricular activities, careers support, arts and music clubs.

Information about services, support and facilities during orientation processes can be provided online, in hard copy, through meetings with students and parents and through social media.

## Contact details for support staff

Schools are required to have a 24/7 contact person available to be contacted by an international student or their family in an emergency. In schools with large numbers of international students, this role may be shared amongst a number of appropriately trained staff.

In addition, schools are required to provide information and contact details for all staff responsible for international student support.

## Health and safety

Signatories are required to ensure that students are able to access appropriate health and safety services available for international students. This includes services available onsite (provided by signatories) and also community services accessed off site. Signatories are also required to ensure that international students have the support they need, including language support, to successfully access health and safety services.

Health and Safety information can include:

- road traffic safety, including pedestrian and cycling safety
- welfare facilities, including personal health services, mental health services, drug education and counselling
- sexuality education, health promotion, and sexual and reproductive health services
- relevant New Zealand laws, including laws on the sale of alcohol and tobacco products
- addressing issues of harassment and discrimination
- keeping safe information
- water safety
- culturally appropriate behaviour in New Zealand.

## Grievance procedures

Schools are required to ensure that students are able to access and understand processes to make a complaint and share concerns.

All international students should have information about:

- internal processes for sharing concerns and making a complaint
- information about how to make a complaint, including the role of and how to contact iStudent Complaints (the dispute resolution scheme operator for the Code of Practice).

## Termination of enrolment

Signatories are required to ensure international students understand the circumstances and processes relating to performance and termination of tuition contracts. This relates to

students being aware of their responsibilities relating to self-management, homestay expectations and academic performance.

Refer to Outcome 3: Offers, enrolment and contracts in the Code for the process.

## **Good practice for orientation processes for accompanying parents and legal guardians**

The scope of orientation information required by parents will depend on whether they are accompanying the student to New Zealand.

Orientation for parents who are new to life in New Zealand can help to ensure they have a warm welcome to the country, have good support while living here, and are able to make informed choices. As with student orientation, this should be done over a period of time, in the person's first language if possible, and be relevant to their individual situation.

Along with information about living in New Zealand and local information, it is also important for parents to be aware of expectations such as attendance, school performance, accommodation expectations, school systems and New Zealand laws.

Along with information schools provide about living in the region, possible topics for parent orientation and ongoing support material might include the following:

- Information on the New Zealand study environment, and in particular the structure and norms of your institution
- The routine activities of daily living
- Living costs and budget advice
- Banking information and how to open a bank account
- Climate and clothing
- Surrounding rural or urban environment
- Information about cultural, recreational, and sporting activities
- Transport arrangements, if relevant motor vehicle licensing and driving
- Water and sun safety
- Student rights and how to make a complaint.

### **The role of agents in orientation**

Agents can play a key role in assisting with orientation processes for signatories. This includes being able to share orientation information in the student's first language prior to departure.

To assist in this area, signatories should ensure that agents have current and accurate information about orientation processes for partner signatories and have agreements about the content that agents may share with students and their families.

### **Orientation for short and long term enrolments**

Orientation processes are required for both long and short term enrolments, including group students.

Consideration should be given to designing different processes tailored to the needs of each type of enrolment.

## Useful links

Water Safety New Zealand: <http://www.watersafety.org.nz/resources-and-safety-tips/safety-info-tips/the-water-safety-code/>

NZTA information for visiting drivers: <http://www.nzta.govt.nz/safety/driving-safely/visiting-drivers/>

Drive Safe: <http://www.drivesafe.org.nz/>

Alcohol laws and penalties: <http://www.police.govt.nz/advice/drugs-and-alcohol/alcohol-laws-and-penalties>

Sun safety: <http://sunsmart.org.nz/>

Budgeting resources: <http://www.sorted.org.nz/life-events/studying>

Sexual and reproductive advice: <http://shop.familyplanning.org.nz/international-students-sexuality-education-toolkit>

Earthquakes and other natural disasters: <http://getthru.govt.nz>

## Outcome 6: Safety and well-being

*Signatories must—*

- (a) ensure that international students study in a safe environment; and*
- (b) provide adequate support for the well-being of their international students; and*
- (c) as far as practicable ensure that international students live in a safe environment.*

### Reference in the Code

Safety and well-being

Outcome 6: Safety and well-being

What signatories must do – go to clause 21, page 10

### The intent of this outcome

The intent of this outcome is to ensure students are as well supported as possible to have a safe, happy and successful time living and studying in New Zealand.

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## Good practice for general safety and well-being

### Student safety

It is imperative that all students study in a safe environment. Schools will have a number of policies and procedures to support student safety which students should be made aware of.

As international students are living in a new country, often without the support of family, it is particularly important that schools look for signs of distress and inform students about support services that are available in the school or community.

International students are required to be given contact details for staff who can help them with health and safety issues. This includes details of a 24/7 contact person who can help them deal with issues that occur outside of school hours.

### Student health and well-being

To support student health and well-being, students will need information on where to find support within the school: e.g. school counselling services, school nurse, peer support, deans and first language support. Contact details for these services can be included in the student handbook. A tour of the school is helpful to show students where these services are located.

Schools should also provide students with information on how to access health and counselling services in the general community.

This information can be made available to international students through orientation processes and at appropriate times during their enrolment so they have this as early as possible.

Cross cultural training for staff is an important counselling strategy to develop competency and understanding of other cultures. Cross cultural training could be provided at staff meetings, during professional development, at community meetings or in a handbook of information about relevant cultures.



## Responding to emergencies

All schools are required to have a critical incident plan to respond to emergencies. School procedures for critical incidents and emergencies need to provide for the needs of international students. This includes providing first language support where necessary.

A designated international staff member should be part of the school's critical incident team to represent the needs of international students. Critical incident plans should be reviewed regularly to ensure they are current and meet the needs of international students.

An emergency pocket card is often given to international students to ensure they have instant access to emergency contact information and phone numbers.

Schools are required to contact the MoE 24/7 crisis team in the case of a critical incident. The MoE crisis team will advise the school on the steps to be taken.

For guidelines for dealing with traumatic incidents see <http://www.education.govt.nz/school/student-support/emergencies>.

## Student conduct

Schools are required to have policies and procedures to ensure that instances of inappropriate behaviour by students are dealt with fairly and effectively. School expectations should be clearly conveyed to international students during orientation processes and in written form through student and information handbooks. International students are entitled to be treated in the same way as domestic students in regard to school expectations for behaviour and conduct.

It is important for school staff to be aware of the channels to follow when dealing with international students who may need support with unsatisfactory conduct. When there is a serious issue it is important that staff know who to contact and who can support international students. The designated person in charge of international students should be known to all staff.

## Contact information for government agencies

Schools are required to ensure international students know how to contact government agencies such as Police or Child, Youth and Family.

A presentation by the local community constable can also provide valuable information for new international students on New Zealand laws and key agencies.

## Monitoring and addressing student concerns

Signatories are required to have at least one staff member designated to monitor international students under 18 years and to address any concerns. For some schools, there may be several staff with this responsibility.

Staff assigned to monitor international students under 18 should have the requisite skills and training for this role. Factors to consider when assigning staff members to monitor the needs of international students, could be:

- number of international students in the school
- English ability and first language
- frequency of intakes per year and orientations required
- age of students
- type of accommodation.

## Contact details

Schools are required to keep up-to-date detailed contact information for all international students and their next of kin.

Spreadsheets and databases are often used to contain this information, including: names, addresses, phone numbers, email addresses, passport number, national ID number and insurance and visa information. It is a good idea to regularly check the student contact details in New Zealand and their home country to ensure they are correct and up-to-date.

It is also advised to hold paper copies of this information in multiple places both off site and onsite, should it be required in case of an emergency.

## 24/7 contact person

Schools are required to have a 24/7 contact person available to be contacted by an international student and/or their family in an emergency. In schools with large numbers of international students, this role may be shared amongst a number of well-trained staff.

Where possible, providing a 24/7 first language contact person is valuable for families.

## Good practice when enrolling international students 10–17 years old

Schools are able to enrol international students aged between 10 and 17 years who do not live with a parent or legal guardian in New Zealand. If they enrol students without their parent present in New Zealand, students in this age group must live with a residential caregiver approved by the school.

A residential caregiver is a homestay family, a designated caregiver, a licensed hostel manager or a supervisor in the case of temporary accommodation. This includes students enrolling as part of properly supervised groups staying in motel or temporary accommodation.

## Effective communication

Schools are required to ensure that communication with students' parents is maintained on a regular basis. Communication should include information about:

- general progress – school reports, newsletters/emails of the school's events
- success of the accommodation placement and any changes to the placement
- how the student is settling in to the New Zealand environment
- student holiday and travel arrangements
- illness and emergency situations
- concerns and complaints – including absences and non-completion of work.

The parents of international students are entitled to the same progress information that is required by school policy for domestic students. This includes school reports and other progress information. Reports should be sent to parents directly and to the agent and homestay parent where appropriate.

Official documents such as school reports should state the student's name as shown in their passport.

To effectively communicate with parents who are living with their children in New Zealand, schools might like to provide access to support systems such as translation services, coffee groups, language support classes, visits to supermarkets and local area and community links such as sports and leisure activities.

## Student hand-over at the end of enrolment

Signatories are required to have written confirmation from a parent or legal guardian regarding the arrangements for the end of enrolment. Enrolment for international students is determined by the beginning and end dates in the student contract.

Written confirmation is a way to make clear where responsibility for international students lies at the end of their enrolment. Some students return home and others wish to travel either with parents or relatives or in some cases, they may wish to travel independently after their enrolment finishes.

Clear policies that communicate to students and parents around end of enrolment procedures will allow parents and families to plan and provide written confirmation to schools. Schools may choose to include this information in the student contract.

## Good practice for safety and well-being for students under 10 years

All international students under 10 years of age enrolled with a signatory are required to live with a parent or legal guardian or in a licensed school hostel for the duration of their enrolment. This applies to long term and group enrolments of students under 10 years old.

Where students are living with parents or legal guardians, the school should monitor whether this continues for the entire enrolment. Introductory visits by school staff, and inviting parents into the school can help keep contact with parents. Any actions taken by the school should have the safety of the child as the number one priority. Check Immigration NZ website for regulations around parents returning to the home country without the child.

A list of approved hostels can be found on the NZQA website at:

<http://www.nzqa.govt.nz/providers-partners/caring-for-international-students/signatories-to-the-code-of-practice/approved-hostels/>

## Good practice for students at risk or with special needs

### Identification

When enrolling international students, signatories are required to have appropriate measures in place to identify and address the needs of students who are at risk or have special learning needs. Signatories are also required to keep parents and legal guardians informed of situations relating to risk factors or special needs and, where appropriate, to report any issues to relevant government agencies.

Schools are required to have policies and procedures in place to address domestic students at risk and with special needs. These policies should be modified to include processes that are particular to the needs of international students.

Disclosure from parents and legal guardians relating to risk factors and special learning needs for students is important when collecting enrolment information. It is important that parents and legal guardians are aware of their responsibility to accurately disclose health and learning information relating to risk factors. These can include:

- mental illness
- health concerns
- medication
- existing conditions
- special learning or behavioural needs.

## Access to services

Review of health information relating to risk factors and special needs should be undertaken before entering a contract for school-aged international students. It is important to consider the extent to which a student's needs can be met before accepting the student for enrolment.

Where non-disclosure leads to placing a student at risk, it is important to clearly outline the consequences of non-disclosure, including termination of contract if appropriate. It is important to clarify with families that in some situations disclosure of risk factors and special needs may not necessarily lead to non-enrolment. Schools can decide whether they will accept an international student with special needs or other risk factors.

Regarding special learning needs, schools usually have procedures in place to ascertain whether domestic students have special needs. These procedures can also be applied to international students. Schools may use procedures such as testing, observation by teachers or observations from the family in order to make their assessments.

International students with special needs are not usually eligible for MoE Special Needs Funding. This should be communicated to parents of international students.

The Mental Health Foundation website offers some valuable support in relation to mental health: <http://www.mentalhealth.org.nz/get-help/in-crisis/worried-about-someone>.

## Good practice regarding accommodation

### When living with a residential caregiver

A declaration from residential caregivers that their home meets all relevant legislative requirements can be used as evidence that living conditions are deemed safe. A home visit will also offer evidence of living conditions in relation to:

- location
- standard of bathrooms and other facilities
- level of safety and security
- standard of cleanliness
- temperature and heating
- appropriate bedroom furniture
- appropriate linen and bedding
- study facilities
- provisions for emergencies, e.g. first aid supplies, smoke alarms
- whether the physical and emotional environment is safe for the student
- number and age of students and other residents living in the house.

### Safety checks

It is very important to ensure the safety of international students when selecting accommodation. Students may be staying in accommodation for an extended period, for a short period or in temporary accommodation, alone or with other students.

Schools are required to complete an 'appropriate safety check for a residential caregiver'. It is expected that a police vet or criminal history check is completed for all adults residing in a homestay who are 18 years of age and over.

As well as a police vet or criminal check, the following checks can be included to ensure an appropriate safety check is undertaken:

- Confirmation of identity, e.g. sighting passport or driver's license
- Home visit
- Character references
- Interviews with host family members.

All information obtained during the safety checking process is confidential. Schools are required to have processes in place to protect the privacy of participants, including any information obtained through the criminal history check or police vetting process.

### **Home visits**

Home visits are an important strategy to collect information about the quality of residential care.

Schools should visit student accommodation at planned intervals and on a regular basis during the student's stay. The number of visits to a residential caregiver should be sufficient to ensure the quality care provided is of an acceptable standard. The residential carers should be advised in advance that the visit will be taking place.

Some residential caregivers may need more visits than others, for example it may be appropriate to visit early in a students' stay and then again some weeks later to review the placement. It can be useful to visit the accommodation while the student is present to gauge the interactions between the student and the residential caregivers. These visits need to be documented and records kept.

### **Effective communication**

Schools are required to have procedures for ongoing checking of the residential caregiver and the accommodation to ensure the safety and well-being of the student. It is important to keep written records of monitoring and issues in order to maintain effective communication with families.

The school should attempt to mediate and resolve any issues as they arise and keep families informed of progress.

Expectations in relation to accommodation can be clearly set out in written contracts, accommodation agreements and codes of conduct for students.

### **Student interviews**

Student interviews are an important strategy to gather information about the well-being and care of international students. All students should be interviewed on a planned, regular basis to ascertain they are safe, their accommodation is appropriate and their academic, social and emotional needs are being met. The number of student interviews should be sufficient to ensure international staff are informed and up-to-date with information about international student well-being and care. All interviews should be documented and records kept.

During student interviews, it is helpful to ask open-ended questions that allow students to describe how they feel generally about their living conditions. Questions might include, asking about activities they undertake with their residential carer, food, family routines, people in the home, bedroom and facilities, any issues arising out of their living situation.

Schools should have a documented process in place to follow up from student interviews if necessary. Problems discovered during an interview should be referred to the appropriate person. Serious concerns should be followed up immediately.

### **Designated caregivers**

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

A written agreement is required from parents or legal guardians who wish to provide residential care for their child through a designated caregiver.

Designated caregivers are approved by the signatory and will undergo safety checking prior to approval. Once approved however, designated caregivers agree that the signatory is not responsible for the student whilst in their care.

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

### **Appropriate supervision**

The laws of New Zealand relating to the supervision of minors also applies to international students.

Students under the age of 14 should not be left in the home alone at any time. Residential caregivers should notify the school if they will be away overnight if the international student will not accompany them. Alternative arrangements should be made.

### **Students 18 years and over**

Where students are able to arrange their own accommodation, schools are required to support them to access relevant advice and information about their rights and obligations as a tenant.

Many schools, however, require international students who are 18 years of age or over to agree to terms of their enrolment that are consistent with those under 18 years. In this case, students agree to abide by all school policies and procedures.

For international students 18 years and over enrolled in schools, this expectation should be clearly communicated prior to signing a student contract.

New Zealand laws to note:

Care of Children Act 2004

Children, Young Persons and their Families Act 1989.

### **Useful links**

Police vetting service: <http://www.police.govt.nz/advice/businesses-and-organisations/vetting>

Vulnerable Children Act 2014 :

<http://www.legislation.govt.nz/act/public/2014/0040/latest/DLM5501618.html?src=qs>

Children's worker safety checklist, as part of the supporting material provided under the Vulnerable Children's Act 2014: <http://www.childrensactionplan.govt.nz/childrens-workforce/safety-checking-and-the-workforce-restriction/>

Tenancy Services: <http://www.tenancy.govt.nz>

Trademe: <http://www.trademe.co.nz> and Real-estate: <http://www.realestate.co.nz>

Disputes Tribunal: <http://www.justice.govt.nz/tribunals/disputes-tribunal>

# Outcome 7: Student support, advice and services

*Signatories must ensure that international students are fully informed about relevant advice and services to support their educational outcomes.*

## Reference in the Code

Student support, advice, and services

Outcome 7: Student support, advice, and services

What signatories must do – go to clause 27, page 13

## The intent of this outcome

The intent of this outcome is to ensure that students are fully informed about services and advice in order to be successful while living and studying in New Zealand.

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## Good practice for providing advice and services

### Accurate information

Information for international students and their parents should be clear, concise and easy to understand. Information should be updated regularly and consider the age of the students enrolling. Information can be delivered to students and parents on school websites, electronically or in written or booklet form. Consider publishing frequently asked questions to cover key information.

Timing is important when sharing important information for students and families. Information should be shared pre-arrival on the school website or using technology, during orientation processes and at various intervals during the term of study.

All information offered by schools should be reviewed regularly to ensure it is up-to-date.

### Legal rights and obligations

Providing information on the legal rights and obligations of students is important to support them to be successful. Schools are required to offer information that enables students to make decisions while in New Zealand.

Student contracts, codes of conduct, school expectations, processes for grievances, the Dispute Resolution Scheme and information about other New Zealand laws is helpful to ensure students understand their rights and obligations.

The local community constable is a valuable resource and could be invited to talk to groups of students about particular issues as they arise during the year.

Schools might also provide information in booklet form, links to relevant websites and, if possible, in other languages.

The Citizens Advice Bureau (CAB) and other agencies offer relevant information and services around legal rights and obligations.

### New Zealand's health and disability services

Health and disability services in New Zealand may work quite differently to other health systems in other countries where a student and their parents/guardians may have lived.



Students and their parents/guardians can look at the health system in two parts: primary and secondary health care. Primary health care includes the family doctor, dentist, pharmacist, and allied health – such as physiotherapists, podiatrists, counselling and other services.

Secondary health care is that found within the hospital system, which can be either public or private.

Students can also see specialists in the hospital environment, who work in the community as well.

A family doctor or general practitioner (GP) is a part of the primary health sector and looks after the health of all the family. This is the most important person a student should see for their health in New Zealand. Their family doctor is the first person a student should visit if they are worried about their health or the health of their family.

There are a range of services a family doctor can provide: doctor and nurse consultations, illness management, prescriptions, medical certificates, minor surgery, sexual health and contraception, travel advice and immunisations, injury management – e.g. ACC injury assessments and treatment – information about services for people with disabilities, migrants and refugees and Asian communities.

Students should see their GP first. Hospital emergency care is for emergencies.

Where a student can find a GP and other medical services:

1. Search the Health Point website to find a GP close to where they live:  
<http://www.healthpoint.co.nz/>
2. Phone the CAB near where they live, study or work.
3. Ask friends or family or ethnic association for help.
4. If a student is still unsure about their health or their family's health or where to go, they can call the Healthline number: 0800 611 116.
5. Oral health – to find a private dentist, search [www.dentalcouncil.org.nz/](http://www.dentalcouncil.org.nz/)
6. Students should know their rights. Students have the right to be treated with respect by health and disability providers. If they have any concerns or wish to complain, they should contact the organisation that provided their care or the Health and Disability Commission: [www.hdc.org.nz/complaints](http://www.hdc.org.nz/complaints) Phone 0800 112233  
<http://www.hdc.org.nz/the-act--code-of-rights>

The quickest way for a student to make an appointment is by phone. The student and their parent/guardian can mention their language if they need language support (e.g. Korean) and a free interpreter can be arranged.

The student should present their Student ID card when they go to their doctor's appointment. Students will need to pay the cost of a GP visit (even though they may be eligible for cheaper fees) and other private services. Each private clinic charges differently.

For international students, the cost of most services will be covered by their medical insurance. However, some services may not be covered. The student and their parents/guardians will need to check with their insurer first before they use the service.

Once the student visits the service, they will be charged and will be asked to pay for their visit – which they can then claim back from their insurer. Some universities will have a process where they will look after the paperwork for students if they are using the university's preferred insurer.

Remind students and their parents/guardians to let their medical practice know when they are leaving New Zealand.



In New Zealand, the number to call in an emergency is 111 for Ambulance, Fire and Police. If a student becomes ill, but it is not urgent or not so serious, they should visit their regular family doctor first.

If the student needs language support, they can receive free access to trained interpreters when they visit the family doctor, public hospital or other public health services.

If the family doctor is closed during the weekend or after-hours (at night and early morning, or weekends), the student can go to a private after-hours urgent care clinic. If the clinic is unable to treat the illness or injury, they will refer the student to a hospital emergency department.

After-hours clinics are often open when GPs are closed. There will be a higher cost charged to use this service, but it is worth it if the student needs care after-hours and it's not an emergency. It is a good idea for students and their parents/guardians to know where the nearest private urgent care clinic is.

The student and their parents/guardians can find out whether their family doctor is open by calling by phone. If the family doctor is closed, the student/parents or guardians will be put through to a telephone triage service. This means the student/parents or guardians can speak to a nurse and also find out where the nearest urgent care clinic is and the opening hours.

If a student, their parents or guardians thinks there is an emergency, they can call an ambulance by dialling 111. International students/parents or guardians may need to pay the cost of the ambulance. Students can use trained interpreters for language support – this is free in all public hospitals and public health services.

In New Zealand, the ambulance service is provided by St John Ambulance (except the Wellington Free Ambulance Service in the Wellington region). It is a charitable organisation which does not belong to any hospital or government department.

### **Accident Compensation Corporation (ACC)**

Schools should inform their international students and their parents/guardians that in New Zealand the government runs a “no faults” insurance-type scheme known as ACC to cover the costs of any accident the international student might have while in New Zealand. This scheme applies equally to New Zealanders and foreign visitors, such as international students and their parents/guardians.

If a student sees the doctor with an accident-related matter, it is important to let the receptionist and doctor know that their concern is accident-related. Students can pay less for accident-related consultations. Students and their parents/guardians will need to find out from their insurer about co-payments above what the ACC will pay. Students and their parents/guardians who need language support can also call ACC directly. ACC will provide an interpreter.

### **Cultural and community information**

Fostering community links can help students integrate into the local and school community. Orientation is an important process to ensure students have information about how to access community and cultural information.

Cross cultural training for staff and students plays a key role in supporting students in effectively interacting with people from different cultures. Dedicated areas within the school for international students can be helpful, but can also limit the extent to which international students integrate into the school community. Students benefit from becoming involved in academic, cultural, sporting and co-curricular activities.

Creating opportunities for students and families to share their home culture, and show leadership within the school and local community, supports cultural and community capability.

### **Pathways to further study and employment**

Secondary schools have access to information on pathways to tertiary study through careers teachers and specialists for domestic students. These facilities should be made available to international students. International students may require additional support when investigating study at universities overseas.

Student interviews provide an opportunity to review subject choices and ensure that students can meet requirements for pathways to future study and long term career goals. Some international students are required to study particular subjects in New Zealand as a pre-requisite to continue their studies in their home country.

University liaison officers provide good information for students about tertiary opportunities and encourage pathways to New Zealand tertiary providers.

Primary and intermediate school students and their parents will also benefit from information about pathways and transition to high schools.

Where appropriate, support and advice should be sought to assist students with study and career development, information about wages and working in New Zealand.

International students at high school may be able to work part time, up to 20 hours per week and full time during scheduled holidays, on a student visa. There are a number of requirements that students must meet to be able to work while studying. Full details on working rights for school-aged international students is available from Immigration New Zealand: <http://www.immigration.govt.nz/migrant/stream/study/canistudyinnewzealand>

If possible, students should be advised of possible exploitation. Anyone currently being forced to work in New Zealand illegally for less than the minimum wage or excessive hours is advised to call the Labour Inspectorate on 0800 20 90 20. They can also contact anonymously: <http://www.crimestoppers-nz.org> or phone 0800 555111.

# Outcome 8: Managing withdrawal and closure

*Signatories must ensure that the fees paid by international students for educational instruction in New Zealand are secure and protected in the event of student withdrawal or the closure of a course of educational instruction or a signatory.*

## Reference in the Code

Managing withdrawal and closure

Outcome 8: Managing withdrawal and closure

What signatories must do – go to clause 29, page 14

## The intent of this outcome

The intent of this outcome is to ensure systems are in place for students, and their parents or legal guardians, to understand refund processes where a student withdraws from a course, does not attend the course, an institution removes a course or an institution closes.

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## Good practice for fee protection

### Fee protection

Schools must ensure that the fees paid by international students are secure and protected in the event the school closes or the course of educational instruction is not provided. It is good practice to document and share student fee protection systems with families prior to entering a student contract.

Obligations for schools to protect fees paid in advance are set out in the Consumer Guarantees Act 1993.

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

Fee protection processes will differ from school to school and be guided by the accounting system used by schools. Some schools operate a separate bank account and special ledger codes to manage international student fees. This can protect student fees paid in advance. Boards of Trustees are advised to consult their insurance advisors when developing a fee protection policy and to make arrangements appropriate to their needs.

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

### Refund policies

Schools are required to inform students and families when a refund of fees paid may be made. Schools must ensure that students and families understand their rights and obligations under refund policies.

Refund policies can be included in student contracts and information provided to parents prior to a contract being signed.

Refund policies are required to be in accordance with legal requirements. Relevant legislation includes:

- The Education Act 1989
- The Fair Trading Act 1986
- The Consumer Guarantees Act 1993
- The Human Rights Act 1993.

The Code advises information on minimum conditions which need to be included in a refund policy.

When a school is unable to continue to deliver a programme, the student and parent may agree to transfer to another school. Every attempt should be made to place the student in a school where the curriculum is similar and the student is given credit for work completed. If the student cannot be transferred, they should receive a refund of the unused portion of fees.

When the school is no longer a signatory to the code or ceases to be a provider of education for international students, they have a duty to refund the unused portion of fees to the family. This information should be provided to students and parents as part of the refund policy.

Parents can evidence their understanding and acceptance of refund policies through agreements that are signed and dated.

It is important to consider events such as when an international student changes from being an international student to a domestic student and how this applies to your refund policy. It is also valuable to consider temporary closures in relation to refund policies and to make this clear to student and families.

## Outcome 9 and 10: Grievance procedures

*Signatories must ensure that all international students have access to proper and fair procedures for dealing with grievances.*

### Reference in the Code

Grievance procedures

Outcome 9: Dealing with grievances

What signatories must do – go to clause 31, page 15

### The intent of this outcome

The intent of this outcome is to ensure transparent and effective processes are in place to resolve any grievances students may have.

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## Good practice for dealing with grievances

### Internal grievance procedures

Each student and their family should have information about the grievance procedures that are available to them and the processes students can follow in order to make a complaint. Education agents should also know about grievance processes in order to discuss these with prospective students. Information about grievances procedures could form part of the student contract.

To make a complaint process easy to understand, flow charts offer a step-by-step guide for students. Involving international and other staff in the development of a grievance process is a good way to encourage staff to support international students. Students should be encouraged to approach the staff member closest to a problem in the first instance.

Other factors to consider when developing a grievance procedure are:

- identify different complaint types and the person to whom each type of complaint would be addressed
- include photographs and locations of appropriate staff for ease of identification for students
- include the grievance process in pre-enrolment packs and explain the process at orientation
- share the process both verbally and in writing and during orientation
- advise students they have a right to an advocate during grievances
- advise students they may bring another support person with them such as a friend or family member or a residential caregiver during any stage of the complaints process
- complaints should be documented and feedback gathered on the effectiveness of your process, with feedback incorporated into the school's internal review process
- display the process in prominent places around the school.

## Complaints to NZQA and the dispute resolution scheme

In addition to the internal grievance procedures above, you must also make it clear that if the student's complaint is not resolved via your internal process, that they can contact the New Zealand Qualifications Authority (NZQA), who will process their complaint.

NZQA will be the first point of contact for all complaints about the Code and will investigate complaints about suspected breaches of the Code. NZQA also has the authority to apply sanctions to schools where breaches are found to have occurred.

Raising a complaint with NZQA will not adversely affect the immigration status of students. Students can download the [Complaint Form](#). Completed complaint forms, along with supporting evidence, can be sent to:

The Complaints Officer

New Zealand Qualifications Authority

PO Box 160

Wellington 6140

or

email or scan the completed form along with scans of any supporting evidence to [schoolcode.enquiries@nzqa.govt.nz](mailto:schoolcode.enquiries@nzqa.govt.nz).

For more information on the complaint process, students can contact NZQA on 0800 697 296.

Furthermore, there is a student-focused information on *How to Make a Complaint*. This brochure should be easily accessible to international students.

# Outcome 10: Compliance with international student contract dispute resolution scheme

*Signatories must comply with the DRS rules.*

## Reference in the Code

Outcome 10: Compliance with International Student Contract Dispute Resolution Scheme

What signatories must do – go to clause 33, page 15

## The intent of this outcome

The intent of this outcome is to ensure a clear and accessible process is in place to resolve any grievances students may have related to contracts and financial matters.

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## Good practice for the DRS

Signatories must comply with the DRS rules. This means that schools must ensure they are familiar with the DRS rules in the event a dispute arises between an international student and a school that is either contractual or financial. Students must also be aware of their rights to access the DRS.

Should a contractual or financial dispute arise between an international student and a school, NZQA will refer it to the dispute resolution scheme operator, FairWay Resolution Limited, who have been appointed to this role by the Ministry of Education. Information about the dispute resolution scheme operator can be found at their website:

<http://www.fairwayresolution.com/istudent-complaints>

Failure to comply with the DRS rules is a breach of the Code. This may trigger sanctions by the Code administrator.