

Code of Practice for the Pastoral Care of International Students

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Preamble

The purpose of this Code of Practice is to provide a framework for education providers for the pastoral care of international students. The Code is established under section 238F of the Education Act 1989. The Act requires that a provider must be a signatory to the Code to enrol international students.

The Code commenced on 31 March 2002 and was revised in July 2003.

Definitions

In this Code, unless the context otherwise requires:

"Accommodation agent" means a person or organisation, other than the signatory and its employees, involved in managing the placement of international students, whether individually or in a group, in accommodation on behalf of a signatory.

"Act" means the Education Act 1989.

"Administrator" means the person or organisation responsible for administering the Code.

"Boarding establishment" means:

- (a) A school hostel or other hostel that provides boarding accommodation; or
- (b) Accommodation provided to an international student in the residence of a family or household where five or more international students are accommodated.

"Boarding establishment employee" means a person employed to work in a boarding establishment.

"Code" means this Code of Practice.

"CYFS" means the Department of Child Youth and Family Services.

"Designated caregiver" means a relative or close family friend designated in writing by the parents of an international student as the caregiver and accommodation provider for that student, but does not include a boarding establishment owner, manager, or employee.

"ERO" means the Education Review Office.

"Group students" means:

- (a) International students holding a group visa issued by the New Zealand Immigration Service; or
- (b) Two or more international students studying together in New Zealand for no more than three calendar months on a group visit organised by a provider.

"Homestay" means accommodation provided to an international student in the residence of a family or household where no more than four international students are accommodated.

"Homestay carer" means a supplier of homestay accommodation to international students.

"IEAA" means the International Education Appeal Authority established by the Code.

"Industry" means the organisation/s responsible for representing the interests of export education providers to the Government and its agencies, and includes their agents.

"International Education Review Panel" means the Review Panel established by the Code.

"International student" means a person who:

- (a) is enrolled by a provider; and
- (b) in relation to the provider, is a foreign student as defined in section 2 or section 159 of the Act (whichever is applicable).

"Legal guardian" means the person:

- (a) with the legal right and responsibility to provide for the care (including education and health) of an international student and appointed by a New Zealand or foreign court, or by testament; and
- (b) usually providing for the care of the student in the student's home country.

"NZIS" means the New Zealand Immigration Service.

"NZQA" means the New Zealand Qualifications Authority.

"NZVCC" means the New Zealand Vice-Chancellors' Committee.

"Parent" means the father or mother of an international student, and includes a legal guardian.

"Private Training Establishment" means an establishment, other than an institution, that provides post-school education or vocational training, holding a current registration under Part XVIII of the Act.

"Provider" means

- (a) a school; or
- (b) an institution as defined in section 159 of the Act; or
- (c) a private training establishment.

"Recruitment agent" means a person or organisation, other than the signatory or its employees, involved in the identification and/or recruitment of potential international students, whether individually or in a group, either in an overseas market or in New Zealand.

"Residential caregiver" means:

- (a) A homestay carer; or
- (b) A boarding establishment manager or other person responsible for the care of international students in a boarding establishment; or
- (c) A designated caregiver; or

(d) In the case of temporary accommodation, a supervisor.

"School" means a registered school as defined in section 2 of the Act.

"School hostel" means a hostel as defined in section 2 of the Act and:

(a) licensed under regulations made under section 144C of the Act (if any); or

(b) approved and monitored by the Administrator, for international students enrolled in Years 1 to 6 of a school, or aged 10 and under and enrolled in any other provider.

"Short course" means a course of no more than three calendar months' duration.

"Signatory" means a provider that has applied to be and has been accepted by the Administrator as being a signatory to the Code.

"Supervisor" means a person responsible for the supervision of group students and/or international students in temporary accommodation.

"Temporary accommodation" means a motel, hotel, hostel, lodge, or other tourist accommodation.

"Tertiary institution" means

(a) an institution, as defined by section 159 of the Act; or

(b) a private training establishment.

Part 1: General

1. Information

1.1 Signatories must bring the existence and content of the Code to the attention of all staff directly or indirectly involved with international students.

1.2 Signatories must ensure that staff are provided with support and training appropriate to their role with international students, to assist them to understand and apply the Code.

1.3 Signatories must have measures in place to promote the pastoral care of international students in accordance with the "Guidelines to support the Code of Practice for the Pastoral Care of International Students" published by the Ministry of Education.

2. Offshore students

2.1 Signatories are not required to apply the Code in relation to international students whose study is carried on outside New Zealand (offshore).

3. Group students

3.1 Signatories are required to comply with the Code in relation to group students.

3.2 Signatories must ensure that group students have:

3.2.1 Appropriate supervision; and

3.2.2 An appropriate ratio of supervisors to students.

Part 2: Marketing, Recruitment, And Enrolment Of International Students

4. Provision of information to prospective international students

4.1 All information provided under this Part must be either in writing or in an electronic format.

4.2 Signatories or their agents must provide the following information to prospective international students before students enter into any commitments:

- 4.2.1 Cost of tuition and all other course-related costs, so that there are no substantial hidden costs;
 - 4.2.2 Application requirements and procedures;
 - 4.2.3 Conditions of acceptance;
 - 4.2.4 Refund conditions;
 - 4.2.5 English language proficiency requirements (if applicable);
 - 4.2.6 Information on facilities, equipment and staffing;
 - 4.2.7 Information on the course/s or qualification/s the signatory offers;
 - 4.2.8 Information on medical and travel insurance requirements; and
 - 4.2.9 Information and advice on the types of accommodation applicable to students.
- 4.3 Information on accommodation must include the following:
- 4.3.1 Availability and characteristics of living accommodation options;
 - 4.3.2 Realistic estimates of the cost of accommodation on and off campus;
 - 4.3.3 Application processes for securing accommodation; and
 - 4.3.4 Whether the signatory has assessed the suitability of the accommodation, and the result of any assessment.

5. Prospectuses and promotional material

- 5.1 Prospectuses or promotional material must give a fair and accurate representation of the activities and services the signatory is offering to provide.
- 5.2 Prospectuses or promotional material must include the information to be provided to prospective international students listed in section 4 above.
- 5.3 Signatories must include the following standard wording with any prospectus or promotional material:
- CODE: [Insert provider's name] has agreed to observe and be bound by the Code of Practice for the Pastoral Care of International Students published by the Minister of Education. Copies of the Code are available on request from this institution or from the New Zealand Ministry of Education website at <http://www.minedu.govt.nz/goto/international>
- IMMIGRATION: "Full details of visa and permit requirements, advice on rights to employment in New Zealand while studying, and reporting requirements are available through the New Zealand Immigration Service, and can be viewed on their website at <http://www.immigration.govt.nz>"
- ELIGIBILITY FOR HEALTH SERVICES: Most international students are not entitled to publicly funded health services while in New Zealand. If you receive medical treatment during your visit, you may be liable for the full costs of that treatment. Full details on entitlements to publicly-funded health services are available through the Ministry of Health, and can be viewed on their website at <http://www.moh.govt.nz>.
- ACCIDENT INSURANCE: The Accident Compensation Corporation provides accident insurance for all New Zealand citizens, residents and temporary visitors to New Zealand, but you may still be liable for all other medical and related costs. Further information can be viewed on the ACC website at <http://www.acc.co.nz>.
- MEDICAL AND TRAVEL INSURANCE: International students must have appropriate and current medical and travel insurance while studying in New Zealand.

6. Assessment of prospective international students

6.1 Where a course requires a level of English oral and written competency, prior learning, and/or any academic prerequisites for students to participate effectively, the signatory must assess the prospective international student and be satisfied on reasonable grounds that these competencies are met before making an offer of place to the student or accepting the student for enrolment. If these competencies are met, the signatory has discretion to offer a place to the student or to accept the student for enrolment.

6.2 Signatories must advise prospective students prior to enrolment if course placement, or course placement at a particular level, is conditional on a given level of English language proficiency or prior learning being achieved through testing in New Zealand.

6.3 If a signatory is not satisfied that a prospective student meets the requirements set out in clause 6.1, they may advise the student of the English language courses and/or prerequisite course/s that must be successfully completed before the signatory will enrol them, and/or during their chosen programme of study.

7. Accepting international students for enrolment

7.1 Offers of course placement by a signatory to an international student must be based on an assessment of the extent to which the proficiencies and career intentions of the prospective international student are matched by the educational opportunities offered by the signatory.

7.2 When enrolling an international student, signatories must provide the international student with the following information, or ensure that the student has already received the information:

7.2.1 Details of the signatory's orientation programme and support services;

7.2.2 A copy of the signatory's grievance procedures;

7.2.3 A copy of the summary document of the Code of Practice for the Pastoral Care of International Students, which is attached as Appendix 1;

7.2.4 Procedures that apply when a student withdraws, and when a student is found not to be attending their course or programme for a period specified in the policy of the provider, or such other reasonable period of time;

7.2.5 Circumstances in which the signatory may terminate tuition; and

7.2.6 Details of the signatory's fee protection and refunds policy.

7.3 Signatories must provide details of the following to international students if applicable to the signatory:

7.3.1 Courses available for international students;

7.3.2 Bridging courses and pre-sessional and in-sessional English language programmes;

7.3.3 Arrangements for the recognition of prior learning; and

7.3.4 Details of credit transfer processes.

7.4 When enrolling international students, signatories must ensure that international students have appropriate and current medical and travel insurance for the duration of their planned period of study.

7.5 Signatories must determine and document the following information for each international student on enrolment:

7.5.1 Contact details;

7.5.2 Accommodation type; and

7.5.3 Residential address.

7.6 Signatories must advise international students on enrolment that they are required to notify the signatory of any change in their:

7.6.1 Contact details;

7.6.2 Accommodation type; and

7.6.3 Residential address.

8. Staff members representing signatories overseas

8.1 Staff members marketing and recruiting overseas must:

8.1.1 Have knowledge of the signatory's programmes, administrative procedures, qualifications, and assessment systems as they apply to international students;

8.1.2 Be sensitive to the culture and customs of the country in which recruitment is being carried out; and

8.1.3 Advise prospective international students of any significant barriers relating to courses and qualifications offered by a provider being recognised for employment or further study in the student's home country when the career intentions of the student have been made known to the staff member.

8.2 Staff members working overseas who receive enquiries from prospective international students about enrolment with the signatory or an associated signatory must refer those prospective international students to staff members with the knowledge and skills identified in sections 8.1.1 - 8.1.2 above, if those enquiries are outside the scope of the staff members' knowledge.

9. Annual review of information

9.1 Signatories must review all information provided to prospective international students at least annually to ensure its accuracy and relevance.

9.2 The annual review of information must be recorded in a form that can be made available to the Administrator if requested.

10. Immigration requirements

10.1 A signatory may only enrol a prospective international student for a course lasting longer than 3 calendar months if the prospective student holds:

10.1.1 A current student visa or permit which is endorsed with the institution at which the prospective student is seeking to enrol and the course of study the prospective student intends to undertake; or

10.1.2 A current limited purpose visa or permit for the express purpose of study with the institution, or has a current variation of permit conditions to allow study with the institution.

10.2 A signatory may enrol a prospective international student for one single short course if the prospective student is the holder of:

10.2.1 A current temporary permit of any type (including visitor's visa or permit), or

10.2.2 A current limited purpose visa or permit for the express purpose of study with the institution.

10.3 If a prospective international student applies to enrol but does not have the necessary authority under the Immigration Act 1987 (usually a student visa or permit), the signatory must inform the prospective student of the requirement to obtain authority to study.

10.4 Signatories must comply with section 40(1) of the Immigration Act 1987 which provides that every person conducting any course of study or training commits an offence who allows or continues to allow any other person to undertake the course knowing that other person does not have the required authority under the Immigration Act 1987 to do so.

10.5 Signatories must follow the procedures set out in the New Zealand Immigration Service (NZIS) guidelines and advise NZIS immediately using the NZIS electronic notification form, available at <http://www.immigration.govt.nz>, if an international student's enrolment has been terminated.

Part 3: Contracted Agents

11. Recruitment agents

11.1 Signatories must advise recruitment agents that recruitment agents must comply with the Code.

11.2 Signatories must direct recruitment agents to a copy of the Code, in the agent's first language where available.

11.3 Signatories must advise recruitment agents that their agreement may be terminated for breach of the Code by the agent. This must be stated in any written agreement between a signatory and an agent.

11.4 Signatories acknowledge that the ethical performance of recruitment agents is of paramount importance.

11.5 If a signatory becomes aware that a recruitment agent is:

(a) Engaging in any false, misleading, or deceptive conduct; and/or

(b) Contravening any of the signatory's obligations under the Code;

the signatory shall immediately advise the agent in writing that they must cease that activity.

11.5.1 If the agent fails to cease the activity, the signatory must immediately:

(a) Withdraw their accreditation of that agent;

(b) Terminate their agreement with that agent; and

(c) Stop accepting students through that agent.

12. Accommodation agents

12.1 Signatories must advise accommodation agents that accommodation agents must comply with the Code.

12.2 Signatories must provide accommodation agents with a copy of the Code.

12.3 Accommodation agents must not engage in any false, misleading or deceptive conduct, or otherwise contravene any obligations of the signatory in relation to the performance of any of the signatory's obligations under the Code.

12.4 Signatories must advise accommodation agents of the division of responsibility between themselves, the signatory, and residential caregivers.

12.5 Signatories must have written contracts with accommodation agents.

Such contracts must confirm that the accommodation agent is aware of and agrees to conform with the Code, and state that the contract may be terminated for breach of the Code by the agent.

12.6 The signatory indemnifies the Administrator against all expenses, losses, damages and costs (on a full indemnity basis) incurred by or awarded against the Administrator arising out of any claim by any person in relation to:

12.6.1 The accommodation agent's breach of any provision of the Code;

12.6.2 The manner of the accommodation agent's performance of any of the signatory's obligations under the Code; and/or

12.6.3 Any false, misleading or deceptive conduct of the accommodation agent.

Part 4: Contracts And Indemnity

13. Contractual and financial obligations of signatories

13.1 Signatories must comply with all relevant provisions of the Act in their dealings with international students.

13.2 All contractual and financial dealings between signatories or their agents and international students must be conducted in a fair and reasonable manner.

13.3 All contractual and financial arrangements between signatories and/or recruitment agents on the one hand and international students on the other hand must be recorded in writing, and international students or their parent/s must be given a copy of any agreement they are a party to.

13.4 Signatories must have a fee protection policy to safeguard fees paid by international students.

14. Indemnity

14.1 Each signatory is responsible for its own compliance with the Code, and indemnifies the Administrator against all expenses, losses, damages and costs (on a full indemnity basis) incurred by or awarded against the Administrator arising out of any claim by any person in relation to:

14.1.1 The signatory's breach of any provision of the Code;

14.1.2 The manner of the signatory's performance of any of the signatory's obligations under the Code; and/or

14.1.3 Any false, misleading, or deceptive conduct of the signatory.

14.2 The principles of fairness and natural justice will be applied in the consideration of any claim under this section.

Part 5: Welfare

15. Support services

15.1 Signatories must designate an appropriate person or unit as a resource for all inquiries about pastoral care from international students. The existence and availability of this person or unit must be advised to students on enrolment.

15.2 Signatories must provide support services to international students, including (but not limited to):

15.2.1 An orientation programme appropriate to the type of institution and the student;

15.2.2 Assistance to students facing difficulties adapting to the new cultural environment; and

15.2.3 Advocacy procedures, to ensure students are made aware of their rights and the signatory's obligations under the Code and how to access internal and external grievance procedures.

15.3 In addition to the requirements in sections 15.1 and 15.2, signatories must provide the following support services to international students if applicable:

15.3.1 Information and advice on accommodation, including advice on whether the signatory has assessed the suitability of any accommodation and the result of any such assessment;

15.3.2 Information and advice on driving laws, driver licensing requirements, and road traffic safety, including pedestrian and cycling safety, in New Zealand;

15.3.3 Advice on courses;

15.3.4 Advice on welfare facilities, including personal health services, mental health services, drug education and counselling, and problem gambling;

15.3.5 Advice on accessing information on sexuality education, health promotion, and sexual and reproductive health services;

15.3.6 Information and advice on relevant New Zealand laws, including laws on the sale of alcohol and tobacco products; and/or

15.3.7 Information and advice on addressing harassment and discrimination.

15.4 Support services for international students must be tailored to meet the needs of international students.

Information on international students

15.5 Signatories must hold the following information relating to each international student at all times:

15.5.1 Full name;

15.5.2 Current address and accommodation type, and contact phone number(s);

15.5.3 Passport and permit details (photocopy of title page and current permit); and

15.5.4 Full names and current addresses of parents for students under the age of 18, and of emergency contact persons and/or next of kin for students aged 18 years old and over.

15.6 If a signatory believes an international student has been, or is likely to be, ill-treated, harmed, abused or neglected, they must notify CYFS in accordance with the CYFS reporting protocol, or the New Zealand Police, of their concerns.

Communicating with parents (international students aged under 18)

15.7 Signatories must contact the parents of any prospective international student under the age of 18 prior to enrolling the student, and must establish communication arrangements with parents that can be used in the event of an emergency.

15.8 Signatories must communicate regularly with parents of international students under the age of 18.

Primary-aged international students

15.9 Signatories must have processes in place to ensure that the developmental and pastoral care needs of international students enrolled in years 1 to 6 of a school, or aged 10 and under and enrolled in any other provider, are being appropriately met, including (but not limited to):

15.9.1 Access to first language support;

15.9.2 Access to first language counselling;

15.9.3 Cross-cultural training for staff in regular contact with international students; and

15.9.4 Reporting to the Administrator every six months, as set out in section 30.4

Intermediate-aged international students

15.10 Signatories must obtain approval from the Administrator for all international students who are enrolled in Years 7 and 8 of a school, or who are aged 11 to 13 and enrolled in any other provider, who are not living with a parent.

15.11 To obtain approval as required by section 15.10 above, signatories must satisfy the Administrator that:

15.11.1 Students are living in appropriate accommodation; and

15.11.2 Signatories have processes in place that ensure the students' developmental and pastoral care needs are being appropriately met, including (but not limited to):

(a) Provide for regular communication between students and parents;

(b) Access to first language support;

(c) Access to first language counselling;

(d) Cross-cultural training for staff in regular contact with international students; and

(e) Reporting to the Administrator every six months, as set out in section 30.4.

15.12 Approval as required by section 15.10 above may include additional site visits by the Administrator.

Students with additional needs

15.13 Signatories must document where they believe on reasonable grounds that any international student is unable to protect him or herself against significant harm or exploitation and/or unable to adequately safeguard his or her personal welfare, and ensure that the following provisions are complied with:

15.13.1 Signatories must meet and communicate regularly with such students;

15.13.2 Signatories must determine whether it is appropriate to communicate with parents or next of kin of such students, and must communicate regularly with appropriate persons. In any such communications, signatories must ensure that they comply with the principles of the Privacy Act 1993;

15.13.3 Signatories must liaise with other agencies if necessary for the care and support of such students; and

15.13.4 Signatories must determine the living circumstances of such students and provide assistance or appropriate referral if the student is not considered to be living in an appropriate situation.

16. Monitoring attendance to ensure student welfare

16.1 Signatories must have processes in place to:

16.1.1 Ensure that international students are maintaining their course requirements; and

16.1.2 Follow up in the event that a student ceases attendance before course completion.

16.2 If an international student enrolled at a registered school (as defined in the Act) fails to attend that school, the Principal must follow the procedures set out in the Ministry of Education's Circular 99/03 'Rules for Student Enrolment Records' (or any subsequent amendments) and use the Ministry of Education's NETS-1 form where appropriate.

16.3 The Education (Stand-down, Suspension, Exclusion and Expulsion) Rules 1999 apply to all international students enrolled in state and state integrated schools, and those Rules must be complied with.

Part 6: Accommodation

17. Accommodation provisions

17.1 Signatories must designate an appropriate person or unit as a resource for international students requiring assistance with accommodation. The existence and availability of this person or unit must be advised to students on enrolment.

17.2 Signatories must report any serious concerns relating to accommodation provision to the Administrator.

17.3 Where signatories arrange accommodation for international students aged 18 and over, signatories must ensure that the applicable provisions (below) are observed for:

- (a) Homestays;
- (b) Boarding establishments; and
- (c) Temporary accommodation.

17.4 Signatories must determine and document that all international students under the age of 18 are living in one of the following five categories of accommodation, and that the applicable provisions (below) are observed:

- (a) Homestays;
- (b) Boarding establishments;
- (c) Designated caregivers;
- (d) In the case of students on short courses only, in temporary accommodation; or
- (e) Living with parents.

17.5 Signatories must determine and document that all international students enrolled in Years 1 to 6 of a school, or aged 10 and under and enrolled in any other provider, are living with and continue to live with a parent;

17.5.1 Except in the case of group students and students living in school hostels.

17.6 Signatories enrolling international students in Years 1 to 6 of a school, are required to have special arrangements for weekend and school holiday care of international students, if those students are living in a school hostel, including (but not limited to):

17.6.1 Appropriate accommodation in weekends and school holidays;

17.6.2 Provide for regular communication between students and parents; and

17.6.3 Signatories have processes in place that ensure students' developmental and pastoral care needs are being appropriately met (as set out in section 15.9).

17.7 Signatories must obtain approval from the Administrator (as set out in sections 15.10 to 15.12) to enrol international students in Years 7 and 8 of a school, or aged 11 to 13 and enrolled in any other provider, and who are not living with a parent.

18. Homestays

18.1 Signatories must have robust procedures for the selection and monitoring of homestay carers and homestay residences which are followed by themselves and any accommodation agent, including, but not limited to:

18.1.1 A determination that the homestay is not a boarding establishment;

18.1.2 An assessment of the homestay carer's suitability;

18.1.3 An on-site assessment of the suitability of the residential facilities; and

18.1.4 An assessment of whether a homestay carer will provide a safe physical and emotional environment.

18.2 Signatories or their accommodation agents must establish a support infrastructure for homestay carers, and provide them with advice and information on best practice, so they can build their capability to provide high quality residential services to international students.

18.3 Signatories must meet with each student who is under the age of 18 at least quarterly to ensure that the homestay accommodation is suitable.

18.4 Signatories or their accommodation agents must visit each homestay with student/s who are under the age of 18 at least twice a year to ensure that the accommodation is suitable. Signatories must conduct follow-up visits if they have reasonable grounds to suspect that the accommodation has become unsuitable.

18.5 Signatories enrolling international students in Years 7 and 8 of a school, or aged 11 to 13 in any other provider, must observe section 17.7 above.

19. Boarding establishments

19.1 Signatories that operate a boarding establishment and/or place international students with a boarding establishment must have robust procedures for the approval of the boarding establishment which are followed by themselves and any accommodation agent, including, but not limited to:

19.1.1 Checking that local government bylaws are being observed;

19.1.2 Identification of the manager or other person with responsibility for the care of the international student/s at the boarding establishment for students under the age of 18, and the resident manager for students aged 18 years and over;

19.1.3 An assessment of the potential boarding establishment management and employees' suitability;

19.1.4 An on-site assessment of the suitability of the residential facilities;

19.1.5 An assessment of whether the boarding establishment will provide a safe physical and emotional environment; and

19.1.6 Monitoring and managing any risks to the safety of international students.

19.1 Signatories that operate a boarding establishment and/or place international students with a boarding establishment must monitor and manage any risks of violence and abuse at the boarding establishment.

19.2 Signatories must meet with each student who is under the age of 18 at least quarterly to ensure that the boarding establishment accommodation is suitable.

19.3 Signatories or their accommodation agents must visit each boarding establishment with students who are under the age of 18 at least twice a year to determine that the accommodation is suitable. Signatories must conduct follow-up visits if they have reasonable grounds to suspect that the accommodation has become unsuitable.

19.4 Signatories enrolling international students in Years 7 and 8 of a school, or aged 11 to 13 in any other provider, must observe section 17.7 above.

20. Designated caregivers

20.1 If an international student's parent/s designate a relative or close family friend to provide accommodation for a student under the age of 18, the signatory must:

20.1.1 Have an indemnity document signed by the international student's parents (and not an agent) stating that the designated caregiver is a relative or close family friend and that the parents are selecting the accommodation for their child, subject to the signatory approving the accommodation.

20.1.2 On, or if appropriate, before, enrolling the student, visit the home to:

- (a) Determine that the living conditions are of an acceptable standard;
- (b) Assess whether the designated caregiver will provide a safe physical and emotional environment for the student;
- (c) Determine that the accommodation is not a boarding establishment; and
- (d) Meet the designated caregiver and establish communication with the caregiver.

20.1.3 Meet with each student at least quarterly to ensure that the accommodation is suitable.

20.2 If the accommodation selected by the student's parents is a boarding establishment, the signatory must follow the provisions relating to boarding establishments prescribed in section 19 above.

20.3 Signatories enrolling international students in Years 7 and 8 of a school, or aged 11 to 13 in any other provider, must observe section 17.7 above.

21. Temporary accommodation

21.1 Signatories must have robust procedures in place for determining that temporary accommodation and accompanying supervision are suitable, including, but not limited to:

21.1.1 An assessment of the suitability of the accommodation;

21.1.2 Ensuring that students under the age of 18 will have appropriate supervision;

21.1.3 Ensuring that group students will have an appropriate ratio of supervisors; and

21.1.4 Monitoring and managing any risks to the safety of international students.

21.2 Signatories enrolling international students in Years 7 and 8 of a school, or aged 11 to 13 in any other provider, must observe section 17.7 above.

22. Residential caregivers

22.1 Signatories must ensure that they hold at all times the following information for all residential caregivers:

22.1.1 Full name;

22.1.2 Current address and contact phone number(s);

22.1.3 Current occupation; and

22.1.4 Relationship to student(s).

22.2 Signatories must ensure that all residential caregivers have a full understanding of their obligations relating to the signatory and any accommodation agent.

23. Police vetting of accommodation for students aged under 18

23.1 When approving accommodation for students aged under 18:

23.1.1 Signatories must undertake New Zealand Police vetting of all persons aged 18 or over (excluding other international students) resident in homestay households;

23.1.2 Signatories must be satisfied that a suitable process for New Zealand Police vetting of current and prospective boarding establishment employees and contractors who work regularly at the boarding establishment is in place; and

23.1.3 Signatories may require that a Police vet be undertaken of designated caregivers and supervisors and/or temporary accommodation employees if it considers this appropriate or if this is in line with the signatory's policy.

23.2 Information and support for using the Police Vetting Service is available from the New Zealand Police Vetting Procedure Guidelines which can be viewed on the New Zealand Police website at

www.police.govt.nz/service/vetting/guidelines.html.

Part 7: Grievance Procedures

24. Internal grievance procedures

24.1 Signatories must ensure that international students are advised of and have access to adequate and fair internal procedures for dealing with grievances.

24.2 Signatories must implement and document procedures to deal with complaints from international students about breaches of the Code.

24.3 Signatories must display information about complaints procedures available to international students and the International Education Appeal Authority in prominent positions within the institution, for example on notice boards within the institution.

25. International Education Appeal Authority

25.1 The International Education Appeal Authority (IEAA) is established to receive and adjudicate on complaints received from international students and their authorised agents/representatives, or referred by the Administrator, concerning alleged breaches of the Code.

25.2 The Secretary for Education shall establish the criteria for appointment to the IEAA. Member/s of the IEAA will be appointed by the Secretary for Education after obtaining the views of interested sector groups.

25.3 The Secretary for Education shall specify the terms and conditions of appointment of member/s of the IEAA, following consultation with the State Services Commission.

25.4 The IEAA shall report its activity in written form to the Administrator:

25.4.1 In summary form every three months; and

25.4.2 With case notes and data summary and analysis annually.

25.5 International students who consider that the services provided by a signatory do not satisfy the requirements of the Code may seek redress through the IEAA when they have exhausted the signatory's internal grievance procedures.

25.6 The Administrator shall consult with the IEAA and specify the procedures the IEAA will apply to receive and adjudicate on complaints, consistent with the principles of fairness and natural justice and in compliance with relevant legislation.

25.7 Signatories agree to be bound by the IEAA's procedures, and agree to provide the IEAA with all information relevant to a complaint if requested to do so.

25.8 The IEAA may refer complaints about matters outside the scope of this Code, such as complaints about the quality of education delivery and/or quality assurance, to any relevant body empowered to investigate the particular complaint.

25.9 The IEAA may decide to refer complaints about misleading or deceptive conduct to the Commerce Commission or other regulatory authorities.

25.10 All personal information provided to the IEAA will be dealt with in accordance with the Privacy Act 1993.

26. IEAA decisions

26.1 The IEAA will notify all parties affected by a complaint of its decision in writing. The IEAA's decision will be binding on all affected parties.

26.2 The IEAA may impose an appropriate sanction, short of suspension or removal from the Code, on a signatory that has committed a breach of the Code that is less than a serious breach. These sanctions may include: a requirement that corrective action be undertaken; publication of the breach; and/or an order for restitution.

26.3 If a sanction has been imposed by the IEAA that requires the signatory to undertake remedial action, the signatory will be given a specified timeframe in which to undertake this action to the satisfaction of the IEAA.

26.4 If the signatory fails to comply with the sanction to the satisfaction of the IEAA (including failing to comply within the specified timeframe), the IEAA may recommend to the Review Panel that the signatory be suspended or removed from the Code.

26.5 If the IEAA finds that a signatory has committed a serious breach of the Code, it may recommend to the Review Panel that the signatory be suspended for a specified period as a signatory to the Code, or removed as a signatory to the Code.

27. International Education Review Panel

27.1 The International Education Review Panel ("Review Panel") is established by the Secretary for Education to consider recommendations

made by the IEAA where the IEAA considers that a signatory has committed a serious breach of the Code or has not satisfactorily complied with a sanction imposed by the IEAA.

27.2 The Review Panel will comprise three independent members. The Secretary for Education will establish the criteria for appointment of the Review Panel members. Members of the Review Panel will be appointed by the Secretary for Education after obtaining the views of interested sector groups.

27.3 The Secretary for Education shall specify the terms and conditions of appointment of members of the Review Panel, following consultation with the State Services Commission.

27.4 The Review Panel shall report its activity in written form to the Administrator annually.

27.5 Signatories agree to be bound by the Review Panel's procedures and to provide the Review Panel with all information relevant to a complaint if requested to do so.

27.6 The Review Panel will determine its own procedures for receiving and adjudicating complaints in compliance with all relevant legislation. Signatories agree to be bound by these procedures.

27.7 All personal information provided to the Review Panel will be dealt with in accordance with the Privacy Act 1993.

28. Review Panel decisions

28.1 The Review Panel may:

28.1.1 Remove a provider as a signatory to the Code.

28.1.2 Suspend a provider as a signatory to the Code for a specified period.

28.1.3 Impose one or more of the sanctions set out in section 26.2.

28.1.4 Uphold the recommendation made by the IEAA.

28.1.5 Set aside the recommendation made by the IEAA.

28.1.6 Refer the matter back to the IEAA with directions to reconsider the whole or any specified part of the matter.

28.1 The Review Panel may impose one or more of the following lesser sanctions as it considers appropriate:

28.1.1 A requirement that corrective action be undertaken.

28.1.2 Publication of the breach of the Code by the signatory.

28.1.3 An order for restitution.

28.3 The Review Panel will notify the Administrator and all affected parties to a complaint of its decision in writing. The Review Panel's decision will be binding on all affected parties.

Part 8: Applications and Monitoring

29. Applications

29.1 Applications by providers to become signatories to this Code will be accepted by the Administrator from the date of commencement of the Code.

29.2 Signatories enrolling international students in Years 7 and 8 of a school, or aged 11 to 13 in any other provider, must send the Administrator a completed approval application and the application must be approved by the Administrator. This approval will include a satisfactory on-site visit.

29.3 To become a signatory to the Code, a provider must send the Administrator a completed Code application form (available from the Administrator) and that application must be approved by the Administrator.

29.4 The Administrator shall have authority to approve student exchange programme organisations to deliver aspects of pastoral care to international students.

29.5 The criteria for approving student exchange programme organisations shall be established by the Administrator.

29.6 To become approved, student exchange programme organisations must make an application to the Administrator demonstrating that they meet the criteria established by the Administrator.

29.7 Signatories must advise the Administrator in writing about any change in:

(a) Ownership;

(b) Legal status;

(c) Establishment name; and/or

(d) Student fee protection policy status;
within 14 days of the change being made.

29.8 In the event of any change listed in section 29.6, the signatory must undertake to meet the current Code application or complete a new application.

30. Monitoring

30.1 The Administrator will establish and implement procedures for the ongoing monitoring of compliance with the Code. This may involve the designation or appointment of an independent person or organisation to monitor the compliance of signatories.

30.2 The Administrator may undertake site checks of signatories, with a minimum of 5 working days' notice to the signatory prior to the site check.

30.3 Signatories are required to review their own performance to ensure compliance with the Code. The outcomes of this review must be recorded in a form that may be made available to the Administrator if requested.

30.4 Signatories enrolling international students in Years 1 to 8 of a school, or aged 13 and under in any other provider, are required to review their own performance to ensure compliance with the Code at least quarterly and submit their reviews to the Administrator at least every six months.

30.5 The Administrator may, if satisfied on reasonable grounds that a signatory is not or may not be complying with any provision in the Code, refer the matter to the IEAA as a complaint to be investigated and determined in accordance with the provisions of this Code.

30.6 The Administrator may refer complaints about matters outside the scope of this Code, such as complaints about the quality of education delivery and/or quality assurance, to any relevant body empowered to investigate the particular complaint.

Part 9: Administration

31. Transitional arrangements

31.1 The Administrator shall have discretion to temporarily suspend any of the requirements under this Code until 1 January 2004.

31.2 Until 30 June 2004, signatories may enrol or continue to have enrolled international students in Years 7 and 8 of a school, or aged 11 to 13 in any other provider, without approval as set out in sections 15.10 to 15.12.

31.3 From 1 July 2004, signatories must not enrol or continue to have enrolled international students in Years 7 and 8 of a school, or aged 11 to 13 in any other provider, if they do not have approval as set out in sections 15.10 to 15.12.

31.4 Until 31 December 2004, signatories who have enrolled international students in Years 1 to 6 of a school, or aged 10 and under in any other provider, at the date of notification of amendments to the Code in the New Zealand Gazette, may maintain those enrolments under the Code compliant accommodation arrangements existing at 1 January 2004.

31.5 From 1 July 2004, signatories must have processes in place to ensure that the developmental and pastoral care needs of international students enrolled in Years 1 to 6 of a school, or aged 10 and under and enrolled in any other provider, are being appropriately met as set out in section 15.9.

31.6 Complaints brought to the attention of the IEAA under the voluntary Code of Practice for the Recruitment, Welfare, and Support of International Students will be dealt with under that Code.

32. Amendments to the Code

32.1 The Administrator must give signatories written notice of any intention to amend any of the provisions of the Code, and provide them with at least 20 working days to make submissions about the proposed amendment(s).

32.2 After receiving submissions, the Administrator must seek the approval in writing of the Minister of Education to the proposed amendment(s).

32.3 Any amendment(s) to the Code will be notified in the New Zealand Gazette.

33. Transfer of the administration of the Code

33.1 The administration of the Code may be transferred from the current Administrator to another body with the agreement of that body.

33.2 A representative industry body may propose to the Minister that the administration of the Code be transferred.

33.3 The current Administrator must give signatories notice of its intention to transfer the administration of the Code, and any consequential amendments to the Code arising from the transfer, and provide them with at least 20 working days to make submissions about the proposal.

33.4 The Minister of Education will make a decision on the proposed transfer and the consequential amendments to the Code, after considering the advice of the current and prospective Administrator, and any submissions made by signatories to the Code.

33.5 Any transfer of the administration of the Code will be notified in the New Zealand Gazette.

Appendix 1: Summary Code of Practice for the Pastoral Care of International Students

Introduction

When students from other countries come to study in New Zealand, it is important that those students are well informed, safe, and properly cared for.

New Zealand educational providers have an important responsibility for international students' welfare.

This pamphlet provides an overview of the "Code of Practice for the Pastoral Care of International Students" (the Code), and provides a procedure that students can follow if they have concerns about their treatment by a New Zealand educational provider or agent of a provider.

What is the Code?

The Code is a document that provides a framework for service delivery by educational providers and their agents to international students. The Code sets out the minimum standards of advice and care that are expected of educational providers with respect to international students. The Code applies to pastoral care and provision of information only, and not to academic standards.

Who does the Code apply to?

The Code applies to all education providers in New Zealand with international students enrolled. The Code is mandatory to these providers and must be signed by them.

What is an "international student"?

An "international student" is a foreign student studying in New Zealand.

How can I get a copy of the Code?

You can request a copy of the Code from your New Zealand education provider. The Code is also available online from www.minedu.govt.nz/goto/international.

How do I know if an education provider has signed the Code?

The New Zealand Ministry of Education maintains a register of all signatories to the Code. This is available online from www.minedu.govt.nz/goto/international. If the education provider that you are seeking to enrol with is not a signatory to the Code, you will not be granted a permit from the New Zealand Immigration Service and you will not be able to study at that institution.

What do I do if something goes wrong?

If you have concerns about your treatment by your education provider or by an agent of the provider, the first thing you must do is contact the principal, the international student director, or another person who has been identified to you as someone that you can approach about complaints at your institution. The Code requires all institutions to have fair and equitable internal grievance procedures for students and you need to go through these internal processes before you can take the complaint any further.

If your concerns are not resolved by the internal grievance procedures, you can contact the International Education Appeal Authority (IEAA).

What is the International Education Appeal Authority (IEAA)?

The IEAA is an independent body established to deal with complaints from international students about pastoral care aspects of advice and services received from their education provider or the provider's agents. The IEAA enforces the standards in the Code of Practice.

How can I contact the IEAA?

You can write to the IEAA at:
International Education Appeal Authority
C/- Ministry of Education
Private Bag 92644
Symonds Street
Auckland 1150
Fax: (09) 632 9456
Phone: (09) 632 9513
Email: info.ieaa@minedu.govt.nz

What will the IEAA do?

The purpose of the IEAA is to adjudicate on complaints from international students. The IEAA will investigate complaints and determine if there has been a breach of the Code. The IEAA has the power to impose sanctions on education providers who have committed a breach of the Code that is not a serious breach. These sanctions include an order for restitution, publication of the breach, and / or requiring that remedial action be undertaken.

The IEAA will refer complaints that are not about pastoral care to another regulatory body if appropriate.

The education provider will be given a reasonable time to remedy the breach. If the breach is not remedied within that time, the IEAA may refer the complaint to the Review Panel.

The IEAA can determine if it considers that a breach of the Code is a serious breach. If the breach is a serious breach, the IEAA will refer the complaint to the Review Panel.

What can the Review Panel do?

The Review Panel can remove or suspend an education provider as a signatory to the Code, meaning that the provider would be prevented from taking any more international students. Only the IEAA can refer complaints to the Review Panel.

A summary of the Code of Practice for the Pastoral Care of International Students

The Code sets standards for education providers to ensure that:

- high professional standards are maintained
- the recruitment of international students is undertaken in an ethical and responsible manner
- information supplied to international students is comprehensive, accurate, and up-to-date
- students are provided with information prior to entering into any commitments
- contractual dealings with international students are conducted in an ethical and responsible manner
- the particular needs of international students are recognised
- international students are in safe accommodation
- all providers have fair and equitable internal procedures for the resolution of international student grievances

Full details of what is covered can be found in the Code itself.

The Code also establishes the IEAA and the Review Panel to receive and adjudicate on student complaints.