

# code of practice

For the Pastoral Care of International Students  
Revised 2010

## Preamble

The purpose of this Code 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 first revised in July 2003. It was revised again in 2010.

## Definitions

In this Code, unless the context otherwise requires:

### Accommodation agent

means a person or organisation, other than the signatory or 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 designated as responsible for administering the Code. The Ministry of Education is the designated Administrator.

### Aged

means the age a student turned on their last birthday, established by reference to the student's passport.

### Boarding establishment

means:

- (a) a licensed 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 for the Pastoral Care of International Students.

### CYF

means Child Youth and Family, a service of the Ministry of Social Development.

### 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.

### Group students

means two or more international students aged 10 and over, holding a group visa issued by Immigration New Zealand.

### 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 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) providing for the care of the student in the student's home country.

**Licensed hostel**

means a hostel as defined in section 2 of the Act and licensed under the Education (Hostel) Regulations 2005.

**Minister**

means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of Part 18A of the Education Act 1989.

**Parent**

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

**Private training establishment**

means a registered establishment as defined in section 159 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.

**Review Panel**

means the International Education Review Panel established by the Code.

**School**

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

**School hostel**

means a licensed hostel owned or administered by a boarding school and approved by the Administrator for international students who are enrolled in Years 1-6 of a school, or aged 10 and under and enrolled in any other provider.

**Signatory**

means a provider that has applied to be and has been approved 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.

**Young international student**

means:

- (a) an international student enrolled in Years 1 to 8 of a school; or
- (b) an international student aged 13 and under and enrolled in any other provider.

## 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.

### 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.
- 3.3 Signatories organising or accepting group students who are young international students must have approval from the Administrator in accordance with clauses 27.3 and 27.4 before enrolling such students.
- 3.4 Signatories arranging or accepting group students must have policies in place that clearly set out the responsibilities of the provider and any third party involved in the visit. The policy may include (but is not limited to):
  - 3.4.1 Educational instruction and services to be provided;
  - 3.4.2 Contact person and 24-hour emergency phone number;
  - 3.4.3 Parental permission (for students aged under 18);
  - 3.4.4 Parents' contact details overseas;
  - 3.4.5 Accommodation arrangements;
  - 3.4.6 Fees/payment;
  - 3.4.7 Assessment of risk and critical incident response;
  - 3.4.8 Medical and travel insurance requirements;
  - 3.4.9 Allocation of responsibility and provision for 24-hour supervision for students under the age of 18.

## 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, and available for production to and inspection by the IEAA or Administrator. Records of all moneys paid and received should be in writing.
- 4.2 Signatories or their agents must make the following information available in writing to prospective international students before students enter into any commitments, either by referring the student to specific website information or directly providing the information on:
  - 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 clause 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. Copies of the Code are available from the New Zealand Ministry of Education website at [www.minedu.govt.nz/international](http://www.minedu.govt.nz/international).

### IMMIGRATION

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 [www.immigration.govt.nz](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 [www.moh.govt.nz](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 [www.acc.co.nz](http://www.acc.co.nz).

### MEDICAL AND TRAVEL INSURANCE

International students (including group students) must have appropriate and current medical and travel insurance while 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 these courses must be successfully completed before the signatory enrolls 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, including where a student is changing from one provider to another, 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. **The outcome of this assessment must be recorded in a form that can be made available to Immigration New Zealand**, if requested.

- 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 Code, and/or the pamphlet *Important Information about the Code*, both of which are available from the Ministry of Education website at [www.minedu.govt.nz/international](http://www.minedu.govt.nz/international);
  - 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;
  - 7.2.6 Details of the signatory's fee protection and refunds policy;
  - 7.2.7 Details of the types of accommodation applicable to the student (as set out in clause 15) and that are acceptable to the signatory; and
  - 7.2.8 Details of the course start date, specifying the date from which the student's attendance is required.
- 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, document, and maintain the following information relating to each international student on enrolment, and hold this information at all times:
- 7.5.1 Full name;
  - 7.5.2 Current address and accommodation type, and contact phone number(s);
  - 7.5.3 Passport and visa/permit details (photocopy and/or electronic copy, or scan of title page and current visa/permit);
  - 7.5.4 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 and over; and
  - 7.5.5 Medical and travel insurance details.
- 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;
  - 7.6.3 Residential address; and
  - 7.6.4 Immigration status.

## **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 inquiries from prospective international students about enrolment with the signatory must refer those prospective international students to staff members with the knowledge and skills identified in clauses 8.1.1–8.1.2 above, if those inquiries are outside the scope of the staff members' knowledge.

## **9 Immigration requirements**

- 9.1 Signatories must inform prospective international students that the student must meet the requirements of Immigration New Zealand to study in New Zealand.

- 9.2 Where a prospective international student does not hold authority from Immigration New Zealand to study, or a signatory is unable to determine whether a prospective international student holds the necessary authority, the signatory must either:
- 9.2.1 Obtain advice from Immigration New Zealand, or
- 9.2.2 Advise the international student to seek advice from
- (i) Immigration New Zealand, or
  - (ii) an immigration adviser licensed under the Immigration Advisers Licensing Act 2007, or
  - (iii) a person that is exempt from being licensed under the Immigration Advisers Licensing Act 2007
- and ensure the prospective international student holds authority from Immigration New Zealand to study before allowing that person to undertake any course of study or training. A register of licensed immigration advisers is available from the Immigration Advisers Authority website at [www.iaa.govt.nz](http://www.iaa.govt.nz).
- 9.3 Signatories must immediately report any termination of enrolment to Immigration New Zealand, using the electronic notification form available at [www.immigration.govt.nz](http://www.immigration.govt.nz).

### 3 Contracted agents

#### 10 Recruitment and accommodation agents

- 10.1 Signatories must advise agents acting on their behalf that agents must comply with the Code.
- 10.2 Signatories must provide or direct agents to a copy of the Code, in the agent's first language where available.
- 10.3 Signatories must have written contracts with agents. Such contracts must confirm that the 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.
- 10.4 Signatories acknowledge that the ethical performance of agents is of paramount importance.
- 10.5 If a signatory becomes aware that an agent is:
- 10.5.1 Engaging in any false, misleading, or deceptive conduct, whether intentional or not; and/or
  - 10.5.2 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.
- 10.6 If the agent fails to cease the activity, the signatory must immediately:
- 10.6.1 Withdraw their accreditation of that agent;
  - 10.6.2 Terminate their agreement with that agent; and
  - 10.6.3 Stop accepting students through that agent.
- 10.7 Signatories must advise agents of the division of responsibility between the agent, the signatory, and residential caregivers.

### 4 Contracts and indemnity

#### 11 Contractual and financial obligations of signatories

- 11.1 Signatories must comply with all relevant provisions of the Act in their dealings with international students.
- 11.2 All contractual and financial dealings related to the enrolment of international students between signatories or their agents and international students must be conducted in a fair and reasonable manner.
- 11.3 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.
- 11.3.1 Every agreement between signatories and international students and/or their parents must contain the terms and conditions of the student's enrolment and the refund policy of the signatory.

11.3.2 Every agreement between signatories and international students who are under 18 years of age must be signed by their parent/s.

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

## 12 Indemnity

12.1 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:

12.1.1 The signatory's, or its agent(s)', breach of any provision of the Code;

12.1.2 The manner of the signatory's, or its agent(s)', performance of any of the signatory's obligations under the Code; and/or

12.1.3 Any false, misleading, or deceptive conduct of the signatory or its agent(s), whether intentional or not.

12.2 The principles of fairness and natural justice will be applied in the consideration of any claim under clause 12.1.

## 5 Welfare

### 13 Support services

13.1 Signatories must designate an appropriate person or persons to be responsible for all inquiries about pastoral care from international students. The existence and availability of this person or persons **must be advised** to students on enrolment.

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

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

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

13.2.3 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.

13.3 In addition to the requirements in clauses 13.1 and 13.2, signatories must provide the following support services to international students if applicable:

13.3.1 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;**

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

13.3.3 Advice on courses;

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

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

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

13.3.7 Information and advice on addressing harassment and discrimination.

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

#### Communicating with parents (international students aged under 18)

13.5 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.

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



**Young international students**

- 13.7 Signatories must have processes in place to ensure that the developmental and pastoral care needs of young international students are being appropriately met, including (but not limited to):
- 13.7.1 Students are living with, and continue to live with, a parent, or in the case of young international students approved under clauses 15.5, 27.3, and 27.4, in accommodation as required under Part 6 of the Code;
  - 13.7.2 Provision for regular communication between students and parents, where students are not living with a parent;
  - 13.7.3 Access to first language support;
  - 13.7.4 Access to professional counselling, preferably with first language support; and
  - 13.7.5 Cross-cultural training for staff in regular contact with international students.

**Students identified as at risk or with additional needs**

- 13.8 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 is unable to adequately safeguard his or her personal welfare, and ensure that the following provisions are complied with:
- 13.8.1 Signatories must meet and communicate regularly with such students;
  - 13.8.2 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;
  - 13.8.3 Signatories must liaise with other agencies if necessary for the care and support of such students; and
  - 13.8.4 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.**
- 13.9 If a signatory believes an international student has been, or is likely to be, ill-treated, harmed, abused, or neglected, they must notify CYF in accordance with the CYF reporting protocol, or the New Zealand Police, of their concerns.

**14 Monitoring attendance to ensure student welfare**

- 14.1 Signatories must have processes in place to:
- 14.1.1 **Ensure that international students are maintaining their course requirements;** and
  - 14.1.2 Follow up in the event that a student ceases attendance before course completion.
- 14.2 If an international student enrolled at a school fails to attend that school, the Principal **must follow** the “Rules for Student Enrolment Records” made under Section 77A of the Act.
- 14.3 When standing down, suspending, excluding, or expelling an international student from school, signatories **must comply** with:
- 14.3.1 Section 18 of the Act and any rules made under Section 18AA of the Act for state and state integrated schools; or
  - 14.3.2 Section 35AA of the Act for private schools.

**6 Accommodation****15 Accommodation provisions**

- 15.1 Signatories must designate an appropriate person or persons to **be responsible for international students requiring assistance with accommodation.** The existence and availability of this person or persons must be advised to students on enrolment.
- 15.2 Signatories must report any serious concerns relating to accommodation provision to the Administrator.
- 15.3 Where signatories arrange accommodation for international students aged 18 **and over**, signatories **must ensure that** the applicable provisions (below) are observed for:
- 15.3.1 **Homestays;**
  - 15.3.2 Boarding establishments; and
  - 15.3.3 Temporary accommodation.

- 15.4 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 of Part 6 of the Code are observed:
- 15.4.1 Homestays;
  - 15.4.2 Boarding establishments;
  - 15.4.3 Designated caregivers;
  - 15.4.4 In the case of international students on courses of less than three calendar months' duration only, in temporary accommodation; or
  - 15.4.5 Living with parents.
- 15.5 Signatories must determine and document that all young international students are living with and continue to live with a parent, except where the signatory has been granted approval from the Administrator in accordance with clauses 27.3 and 27.4 to:
- 15.5.1 Enrol group students (and the student is a group student); or
  - 15.5.2 Enrol international students who are in Years 7 and 8 of a school, or aged 11–13 and in any other provider; or
  - 15.5.3 Accommodate young international students in a school hostel.
- Approval from the Administrator under clauses 15.5.1 and 15.5.2 will be granted only for homestays, licensed hostels, and designated caregivers.
- 15.6 When a signatory places young international students in accommodation approved under clause 15.5 above, the signatory must, following the quarterly interviews under clauses 16.3, 17.3, and 18.1.3:
- 15.6.1 Record the interviews in a form that can and must be made available to the Administrator if requested;
  - 15.6.2 Notify the Administrator, if requested, of the addresses and number of students the signatory currently has accommodated there.
- 15.7 Signatories enrolling young international students who are group students or accommodated in a licensed hostel are required to have approval from the Administrator for special arrangements for weekend and school holiday care, including (but not limited to):
- 15.7.1 Appropriate accommodation and;
  - 15.7.2 Provision for regular communication between students and parents; and
  - 15.7.3 Processes in place that ensure students' developmental and pastoral care needs are being met appropriately.

## 16 Homestays

- 16.1 Signatories must have robust procedures for the selection and monitoring of homestay carers and homestay residences which are followed by signatories and any accommodation agent, including, but not limited to:
- 16.1.1 A determination that the homestay is not a boarding establishment;
  - 16.1.2 An assessment of the homestay carer's suitability;
  - 16.1.3 An on-site assessment of the suitability of the residential facilities; and
  - 16.1.4 An assessment of whether a homestay carer will provide a safe physical and emotional environment.
- 16.2 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.
- 16.3 Signatories must meet with each student who is under the age of 18 at least quarterly to ensure that the homestay accommodation is suitable.
- 16.4 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.

## 17 Boarding establishments

- 17.1 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 signatories and any accommodation agent, including, but not limited to:
- 17.1.1 Checking that local government bylaws are being observed;
  - 17.1.2 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;

- 17.1.3 An assessment of the potential boarding establishment management and employees' suitability;
  - 17.1.4 An on-site assessment of the suitability of the residential facilities;
  - 17.1.5 An assessment of whether the boarding establishment will provide a safe physical and emotional environment; and
  - 17.1.6 Monitoring and managing any risks to the safety of international students.
- 17.2 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.
- 17.3 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.
- 17.4 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.
- 17.5 Under this section of the Code, signatories granted approval from the Administrator under 27.3 and 27.4 may place these students only in licensed hostels.

## 18 Designated caregivers

- 18.1 If the parent/s of an international student under the age of 18 designates a relative or close family friend to provide accommodation for a student, the signatory must:
- 18.1.1 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.
  - 18.1.2 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 home is not a boarding establishment; and
    - (d) Meet the designated caregiver and establish communication with the caregiver.
  - 18.1.3 Meet with each student at least quarterly to ensure that the accommodation is suitable.
- 18.2 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 clause 17 above.

## 19 Temporary accommodation

- 19.1 Signatories must have robust procedures in place for determining that temporary accommodation and accompanying supervision are suitable, including, but not limited to:
- 19.1.1 An assessment of the suitability of the accommodation;
  - 19.1.2 Ensuring that students under the age of 18 will have appropriate supervision;
  - 19.1.3 Ensuring that group students will have an appropriate ratio of supervisors; and
  - 19.1.4 Monitoring and managing any risks to the safety of international students.

## 20 Residential caregivers

- 20.1 Signatories must ensure that they hold at all times the following information for all residential caregivers:
- 20.1.1 Full name;
  - 20.1.2 Current address and contact phone number(s);
  - 20.1.3 Current occupation; and
  - 20.1.4 Relationship to student(s).
- 20.2 Signatories must ensure that all residential caregivers have a full understanding of their obligations relating to the signatory and any accommodation agent.

## 21 Police vetting of accommodation for students aged under 18

- 21.1 When approving accommodation for students aged under 18:
- 21.1.1 Signatories must undertake New Zealand Police vetting of all persons aged 18 or over (excluding other international students) resident in homestay households;

- 21.1.2 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
- 21.1.3 Signatories may require that New Zealand Police vetting 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.

## 7 Grievance procedures

### 22 Internal grievance procedures

- 22.1 Signatories must ensure that international students are advised of and have prompt access to adequate, transparent, and fair internal procedures for dealing with grievances.
- 22.2 Signatories must implement and document procedures to deal with complaints from international students about breaches of the Code.
- 22.3 Signatories must display information about complaints procedures available to international students and the IEAA in prominent positions within the institution, for example, on notice boards within the institution.

### 23 IEAA

- 23.1 The 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.
- 23.2 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.
- 23.3 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.
- 23.4 The IEAA shall report its activity in written form to the Administrator:
  - 23.4.1 In summary form every three months; and
  - 23.4.2 With case notes, and data summary and analysis annually.
- 23.5 An international student who considers that the signatory is in breach of the Code in respect of its dealings with that student may seek redress through the IEAA when they have exhausted the signatory's internal grievance procedures.
- 23.6 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.
- 23.7 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. A request may include the provision of a statutory declaration as to facts or circumstances.
- 23.8 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.
- 23.9 The IEAA may refer any matter arising during the investigation of a complaint to the Administrator or to any other relevant body.
- 23.10 The IEAA may refer complaints about misleading or deceptive conduct to the Commerce Commission or other regulatory authorities.
- 23.11 All personal information provided to the IEAA will be dealt with in accordance with the Privacy Act 1993.

## 24 IEAA decisions

- 24.1 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.
- 24.2 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 name of the signatory held to be in breach of the Code; an order for restitution; and/or payment of costs and/or interest.
- 24.3 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.
- 24.4 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.
- 24.5 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.

## 25 International Education Review Panel

- 25.1 The 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.
- 25.2 The Review Panel will comprise three independent members. The Review Panel may operate with a quorum of two members when one member is unavailable. 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.
- 25.3 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.
- 25.4 The Review Panel shall report its activity in written form to the Administrator annually.
- 25.5 The Review Panel will determine its own procedures for receiving and adjudicating complaints, consistent with the principles of fairness and natural justice, and in compliance with all relevant legislation. 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.
- 25.6 All personal information provided to the Review Panel will be dealt with in accordance with the Privacy Act 1993.

## 26 Review Panel decisions

- 26.1 The Review Panel may:
  - 26.1.1 Remove a provider as a signatory to the Code;
  - 26.1.2 Suspend a provider as a signatory to the Code for a specified period;
  - 26.1.3 Uphold the recommendation made by the IEAA;
  - 26.1.4 Set aside the recommendation made by the IEAA;
  - 26.1.5 Refer the matter back to the IEAA with directions to reconsider the whole or any specified part of the matter.
- 26.2 The Review Panel may impose one or more of the following lesser sanctions as it considers appropriate:
  - 26.2.1 A requirement that corrective action be undertaken;
  - 26.2.2 Publication of the breach of the Code by the signatory;
  - 26.2.3 An order for restitution.
- 26.3 Without limiting what is contained in clauses 25.5, 26.1, or 26.2 the Review Panel may make decisions that:
  - 26.3.1 Are interim or temporary pending final decisions;
  - 26.3.2 Come into effect on a future specified date;
  - 26.3.3 Have effect for a specified period.
- 26.4 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.

## 8 Applications and monitoring

### 27 Applications

- 27.1 Applications by providers to become signatories to this Code will be accepted by the Administrator from the date of commencement of the Code.
- 27.2 To become a signatory to the Code, a provider must send the Administrator a completed Code application form (available from the Administrator) for the Administrator to either approve or decline the application. The Administrator will notify the applicant of the outcome of their application in writing.
- 27.3 Signatories wanting to enrol and accommodate young international students in a school hostel; or enrol young international group students; or enrol international students in Years 7 and 8 of a school, or aged 11–13 in any other provider and who will be living without a parent, must, in addition to the initial application for signatory status, send the Administrator an additional application for approval.
- 27.4 To obtain approval as required by clause 27.3 above, signatories must satisfy the Administrator that the group student requirements in clause 3.4 (if appropriate), the welfare requirements in clause 13, and the accommodation requirements in clauses 15.5, 15.6, and 15.7 have been adequately met. This process may include a satisfactory on-site visit.
- 27.5 Signatories must, within 14 days of any change being made, advise the Administrator in writing about any change in:
- 27.5.1 Ownership;
  - 27.5.2 Legal status;
  - 27.5.3 Establishment name;
  - 27.5.4 Student fee protection policy status;
  - 27.5.5 Address of the establishment;
  - 27.5.6 Director(s) of a private training establishment;
  - 27.5.7 Conditions of operation that affect the age range of the international students it enrolls (including group students); and/or
  - 27.5.8 Site changes and/or additional sites.
- 27.6 In the event of any change listed in clause 27.5, the signatory must undertake to meet the current Code application or complete a new application.
- 27.7 The Administrator may remove a provider as a signatory on the application of the provider or with the agreement of the provider.
- 27.8 The Administrator may not remove as a signatory a provider who is currently under investigation by the IEAA or Review Panel without the written permission of the IEAA or Review Panel.

### 28 Monitoring and review

- 28.1 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.
- 28.2 The Administrator may undertake site checks of signatories, with a minimum of 5 working days' notice to the signatory prior to the site check.
- 28.3 Signatories must, at least annually, review their own performance and the accuracy and relevance of all information provided to prospective and enrolled international students to ensure compliance with the Code. The outcomes of this review must be recorded in a form that can and must be made available to the Administrator if requested.
- 28.4 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.
- 28.5 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.

## 9 Administration

### 29 Transitional arrangements

- 29.1 From 1 July 2011 signatories must not enrol or continue to enrol young international students who are not living with a parent, without approval from the Administrator as set out in clauses 15.5, 27.3, and 27.4.
- 29.2 From 31 December 2011 signatories may place or continue to place international students aged 10 and under in a licensed hostel only if the student is enrolled in Years 1-6 of a school, the hostel is a school hostel, and the signatory has approval from the Administrator as set out in clauses 15.5, 27.3, and 27.4.
- 29.3 Complaints brought to the attention of the IEAA or the Review Panel prior to the coming into force of the Code (Revised 2010) will be dealt with under the Code as revised in 2003.

### 30 Amendments to the Code

- 30.1 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).
- 30.2 After receiving submissions, the Administrator must seek the approval in writing of the Minister to the proposed amendment(s).
- 30.3 Any amendment(s) to the Code will be notified in the *New Zealand Gazette*.

### 31 Transfer of the administration of the Code

- 31.1 The administration of the Code may be transferred from the current Administrator to another body with the agreement of that body.
- 31.2 A representative industry body may propose to the Minister that the administration of the Code be transferred.
- 31.3 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.
- 31.4 The Minister 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.
- 31.5 Any transfer of the administration of the Code will be notified in the *New Zealand Gazette*.

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