

## Education Report: Minor and technical changes to the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021

<b>To:</b>	Hon Jan Tinetti, Minister of Education		
<b>Date:</b>	21 April 2023	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1308969
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<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	Yes

### Purpose and Summary

1. This report proposes that you agree to three minor and technical amendments to the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code).
2. Officials have identified three amendments needed to the Code to correct typographical and grammatical errors and remove a duplicated subclause. Under 534B of the Education and Training Act 2020, the Minister of Education has the authority to make minor or technical amendments to the Code without having to comply with the statutory consultation requirements.
3. Should you agree to these corrections, they will need to be tabled in the House. Attached is a draft document for tabling these amendments in the House.
4. The New Zealand Qualifications Authority (the Code administrator) will notify the relevant parties of the corrections and post the amended Code on its website. The Ministry of Education will also place the amended Code on its website.

### Recommended Actions

1. The Ministry of Education recommends that you:
  - a. **agree** to the following minor and technical amendments to the Code:
    - i. replace the word 'and' with the word 'or' at the end of clause 50(1)(a)(ii)
    - ii. delete clause 73(1)(d); and

- iii. reword clause 73(1)(e) to improve grammar, as set out in paragraph 6 in the main body of this report.

☒ Agree / ☐ Disagree

- b. **sign** the attached document setting out the amendments to the Code for tabling in the House

☒ Yes / ☐ No

- c. **agree** that the Ministry release this report once final decisions have been made, with any redactions made in line with the provisions of the Official Information Act 1982.

☒ Agree / ☐ Disagree



Freddy Ernst  
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**Tertiary International and Learner Wellbeing Policy**

21/04/2023



Hon Jan Tinetti  
**Minister of Education**

14/05/2023

## Background

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1. The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code) came into effect on 1 January 2022, replacing the previous international code and the interim domestic code.
2. The Code provides an overarching framework for tertiary providers to develop a system of supports for the wellbeing and safety of domestic tertiary and international learners. It provides one set of clear rules and expectations that providers can tailor to their learners' needs.
3. The New Zealand Qualifications Authority (NZQA) is the Code administrator and is responsible for monitoring and supporting providers to give effect to the Code.
4. The Code is secondary legislation and is made pursuant to section 534 of the Education and Training Act 2020 (the Act).
5. Under section 534B of the Act:
  - the Minister may make minor or technical amendments to a code
  - the Minister is not required to consult with those affected by a code when making minor or technical amendments
  - the code administrator must make reasonable efforts to notify representatives of students, parents, providers, signatory providers, and the staff of providers and signatory providers of the amendments.

## Proposed minor changes

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6. Officials propose three minor corrections to the Code as set out in the table below:

Part of the Code and clause	A minor change is needed to ...	Proposed correction
Part 6 CI 50(1)(a)(ii)	<b>...address a typographical error in the Code.</b>  Clause 50(1)(a)(ii) should end with 'or' instead of 'and'.	50(1)(a) not enrolling an international tertiary learner 10 years or older but under 18 years who does not live with a parent or legal guardian unless –  (i) the learner is in a properly supervised group of learners whose educational instruction is not for more than 3 months; or (ii) the learner is in the care of the manager of tertiary student accommodation covered in Part 5 of this code; <b>or</b> (iii) the learner is in the care of a residential caregiver; and

Clause	A minor change is needed to...	Proposed correction
Part 7  CI 73(1)(c) and 73(1)(d)	<p><b>... remove a duplication in the Code.</b></p> <p>The proposal is to delete clause 73(1)(d) and retain clause 73(1)(c).</p> <p>The clauses only differ by one word - the use of 'and' and 'or' in relation to maintaining effective communications with residential caregivers (if there are any).</p> <p>Clause 73(1)(c) is clearer that a school approved for enrolling international students (a signatory) must maintain communications with residential caregivers (if there are any) i.e. it is not an option.</p>	<p>CI 73(1)(c) maintain effective communications with the parents or legal guardian, <b>and</b> residential caregivers (if any) of learners concerning their wellbeing and progress in study; and</p> <p><del>CI 73(1)(d) maintain effective communications with the parents, legal guardian, <b>or</b> residential caregivers of learners concerning their wellbeing and progress in study; and (removed)</del></p>
Part 7  CI 73(1)(e)	<p><b>... correct grammar in the Code.</b></p> <p>CI 73(1)(e) <u>designate at least 1 staff member is designated to</u> proactively monitor and address any concerns about international school learners under 18 years; and</p>	<p>CI 73(1)(e) <u>ensure at least 1 staff member is designated to</u> proactively monitor and address any concerns about international school learners under 18 years; and</p>

## Next steps

7. Because the Code is secondary legislation, a document setting out the amendments to the Code must be tabled in the House. We have attached a document for you to sign and table in the House.
8. Once the changes have been tabled, the Ministry of Education and NZQA will replace the Code on their respective websites.
9. Once the changes have been tabled and the Code updated, NZQA will make the updated version available on its website. NZQA will then notify learners, providers, and key stakeholders. Notification will be through updates in NZQA newsletters such as eQuate and Code News, discussions with the Code sector advisory group (including national students associations, peak bodies, and providers) and highlighting changes during Code 101 presentations to the sector.