Education Report: Minor and technical changes to the Code of Practice for the Pastoral Care of Domestic Tertiary Education Students

To: Hon Chris Hipkins, Minister of Education
Date: 10 December 2019
Priority: High
Security Level: In Confidence
METIS No: 1215405
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Messaging seen by Communications team: No

Purpose
We seek your agreement to a small number of minor and technical changes to the Interim Code of Practice for the Pastoral Care of Domestic Tertiary Students (the code).

Recommended Actions

The Ministry of Education recommends you:

a) **Approve** the revised content of the Interim Code of Practice for the pastoral care of domestic tertiary education students, which is attached to this paper as Annex A.

Approved / Not Approved

Julie Keenan
Policy Director
Graduate Achievement, Vocations and Careers
10/12/2019

Hon Chris Hipkins
Minister of Education
11/12/19
Background

1. On 4 December 2019, the Cabinet Social Well-being Committee (SWC) agreed to the contents of the code and authorised the Minister of Education to make minor drafting or technical changes to the code before it is issued [SWC-19-MIN-0194 refers; confirmed by Cabinet on 9 December CAB-19-MIN-0651 refers].

2. The code will be issued when the Education (Pastoral Care) Amendment Bill (the Bill) is passed. This is expected to be on 12 December.

Proposed changes

3. Some minor and technical changes have been identified by officials following a review of the code and working through its practical implementation. The changes are to:

   a) **Part 2 section 5 (1)** of the code to clarify two definitions, so that:

      - accommodation staff also includes people who are contracted to work within the student accommodation as well as those employed. This change allows for all types of arrangements.
      - a code administrator also includes any person or agency delegated by the code administrator under section 238H(8) of the Education Act 1989. This change removes any doubt about the power to act within that delegation.

   b) **Part 4 of the code**:

      - **section 32 (5) and (6)** — so that provisions for the code administrator to make site visits to investigate compliance are consistent with those in the code of practice for the pastoral care of international students. These powers are subject to the consent of the provider.
      - **section 33 (1)** — so that provisions for the code administrator around entry and inspection of student accommodation are consistent with those set out in the Bill. The previous version of the code provides that in the course of monitoring and investigating compliance the code administrator may, subject to provider's consent, enter premises, inspect documents, and interview people. However, section 238H (5) of the Bill does not require provider consent for student accommodation; only the consent of the resident is required before their room is inspected.

4. The revised version of the code is attached as Annex A and a track compare version is also attached.