

Draft Education (Pastoral Care of Tertiary and International Students) Code of Practice 2021

Ako Aotearoa's submission

May 2021

E TIPU E REA

E tipu e rea mō ngā rā o tō ao
Ko tō ringa ki ngā rākau a te Pākehā
Hei ora mō te tinana
Ko tō ngākau ki ngā taonga a ō tīpuna Māori
Hei tikitiki mō tō māhunga
Ko tō wairua ki tō Atua, nāna nei ngā mea katoa

By Sir Apirana Ngata (1949)

GROW UP TENDER CHILD

Grow up tender child into the world before you
With your hands grasp the tools of the modern world
For your physical well-being
Turn your heart to the knowledge of your ancestors
For your mental and emotional well-being
And turn to God our creator, for your spiritual well-being

English translation by Dr Joseph Te Rito

25 May 2021



Introduction

Ako Aotearoa takes this opportunity to thank the team from the Ministry of Education and New Zealand Qualifications Authority for the recent face-to-face hui regarding the Draft Education (Pastoral Care of Tertiary and International Students) Code of Practice 2021.

This took place at Ako Aotearoa's national office, Wellington on Friday 14 May 2021 (and via Zoom). Attendees at that hui included:

NZQA – Catherine Holbrook

MoE – Kieran Forde, Miriam Ulrich, Lauren Bell

Ako Aotearoa – Helen Lomax, Director/Tumuaki; Dr Mei Winitana, Kaiwhakahaere Māori Cultural Capability; Tai Samaeli, Executive Assistant; Corrina Gestro-Best, National Business Manager, and John Milne, Senior Professional Learning Advisor, and via zoom: Jill Tanner-Lloyd, National Communications and Marketing Manager; Annette van Lamoen, ALNACC Programme Manager, and Pale Sauni, Pacific Priorities and Cultural Leader.

This document provides the MoE and NZQA with a formal submission from Ako Aotearoa. Overall, we are pleased to see the development of a new Code of Practice and appreciate that this is intended to bring a more holistic approach to supporting all learners. It makes sense to bring two separate codes together, in terms of wellbeing and safety.

While Te Tiriti o Waitangi (TToW) is mentioned on page 10 (Part 3, 7.b) and page 13 relating to staff training, it should be more prominently positioned earlier in the document and referred to throughout the Code. This would better signal the work's alignment with the Tertiary Education Strategy 2020 and demonstrate a clearer understanding of how the process undertaken and the new Code itself are guided by Te Tiriti o Waitangi.

The first two priorities that the TES states organisations must focus on which are critical to this code are:

- the achievement and wellbeing of all learners
- ensuring that places of learning are safe and inclusive and free from racism, discrimination, and bullying.

It is important that the sector sees this as a cultural shift and an opportunity to better support all learners, rather than a “top-down” exercise driven by external agencies that just puts additional pressure on workload and resourcing. Some providers will be better equipped than others to respond.

Communication with the sector and the provision of guidelines and tools to support the sector’s uptake are critical. Staff training is also an important component of this work and Ako Aotearoa welcomes the opportunity for further discussion around how we can contribute – through evidence-based professional learning and development opportunities, particularly to support cultural capability building.

In the absence of compliance, we understand NZQA will be responsible for proactive monitoring. Again, we welcome the opportunity to further discuss ways that Ako Aotearoa can support how providers engage with the good practice guidelines, guidance and resources to be made available.

We take this opportunity to draw the team’s attention to related Ako Aotearoa evidence-based reports, resources and project outputs featured on pages 11-13 of this submission.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Jill Tanner-Lloyd', with a stylized flourish at the end.

Jill Tanner-Lloyd
for Helen Lomax
Director/Tumuaki | Ako Aotearoa
25 May 2021

A code for the wellbeing and safety of all learners in tertiary and international education (code of practice) | Te oranga me te haumarū ākongā

Why is the code needed?

Need for review of Codes of Practice in the relationships between providers and learners/ākongā has previously been identified. Ako Aotearoa refers the group to a previous project, undertaken by Networkers for Ako Aotearoa with NZUSA (2012), on recommendations for Codes of Practice with learners. This report is available on the Ako Aotearoa website at: [Summary report](#) and [Stocktake full report](#). Much of what is covered in this work is still applicable.

Do you support the changes in the new code?

At the hui, we were keen to gain a better understanding of what is the key focus of the Code? Is it just about the tragic events in Christchurch for example, or is there a wider wellbeing focus here? Should there be separate (policy?) documents?

MoE noted that the interim Code was a response to the Christchurch event. But this new and enduring Code is being driven by, and puts light on, the wider wellbeing of all learners and how to ensure their whole educational experience is better overall.

MoE noted that there have been obligations on providers regarding their learners' wellbeing in the Act prior to the interim Code.

We expect that this work is linked in with other key government strategies, including Ka Hikitia, TES, Pacific Education Action Plan, Tau Mai Te Reo and encourage the team to ensure this is identified throughout the draft Code. During our hui we asked if staff working on this documentation, who have Māori world views, had seen the Code and DRS. Their input is invaluable.

MoE signalled that yes, staff working in those areas were across the mahi.

We are glad to see the proposed Code emphasises the need for staff training (referred to in point 17. Staff training on page 13). Along with senior management buy-in, the need to upskill staff to operationally support the new Code is critical; particularly around Te Tiriti o Waitangi and the building of staff cultural capability. It is important that providers see the changes as a cultural shift.

In 2020, we made similar recommendations to Te Pūkenga in our [submission on their Mobilising New Worlds](#) consultation process (see Collaborative, Capability Staff and Leadership, pages 13–14).

Are these parts of the code the right areas to focus on?

- Consultative and co-ordinated tertiary provider support structures (in relation to domestic and international tertiary students)
- Wellbeing and safety practices for all tertiary providers (in relation to domestic and international students)
- Additional wellbeing and safety practices in tertiary student accommodation (in relation to domestic and international tertiary students)
- Additional wellbeing and safety practices for tertiary providers (signatories) enrolling international students
- Wellbeing and safety practices for schools (signatories) enrolling international students
- Code administrator.

Ako Aotearoa is keen to have a clearer understanding of what is meant by 'pastoral care'. The definition on page 8 of the draft Code describes "wellbeing and safety practices" in relation to a "provider's responsibilities for supporting the wellbeing and safety and educational achievement of students in their learning environment."

We believe the term also needs to encompass emotional and spiritual wellbeing, and recognise the importance of cultural safety and culturally appropriate learning support.

We suggest an additional section to introduce the Code and layout the overarching definition of pastoral care; to guide the thinking and development of the Code:

MoE noted that this could be done in the guideline documentation that accompanies the Code.

MoE noted that Te Whare Tapa Whā framework has informed the Code. MoE open to getting suggestions for wording around how pastoral care is defined in the Code.

Note:

Ako Aotearoa would like to understand how the Code links to Te Whare Tapa Whā framework. We also encourage the team to investigate other models of pastoral care based on indigenous frameworks. For example, the work of Professor Airini from the University of Saskatchewan, Canada.

What's missing?

Reaching the wider learner network

During the hui, Ako Aotearoa stressed the importance of not only inviting students from within tertiary institutions to submit their responses to these draft documents [i.e. Code and Dispute Resolution Scheme (DRS)], but also the inclusion of vocational learners in the consultation process.

It is important to stress the needs of students based in ITP/Polytechnic/Te Pūkenga and areas of vocational and workplace-based education are very different from those of universities, and those in vocational are often much harder to reach. For some, their second chance at learning may be making them more susceptiblely vulnerable.)

Has the team sought the feedback of those students in the adult community and education sector, and those with disabilities and neurodiverse differences?

MoE detailed the consultation they have had with learners across the country, including with Māori and Pacific learners. However, acknowledged that the Code currently doesn't cover learners in ITOs. It is expected that once ITOs are merged with ITPs and all fall under Te Pūkenga, then these learners will be covered by the Code.

We recommend that the current ITO learners are consulted with once they are assigned to Te Pūkenga. We also recommend that the Tertiary Education Union is included in the consultation process.

However, in the meantime, we are left wondering how current trainees, apprentices, on-job/workplace learners and other diverse learners spread across our communities and marae-based education are being provided with an opportunity to respond to this work in a timely way. If so, by what means? We mentioned in our hui the work we are also doing on Learner Agency – the report and further information is in our resources section (pp.11-13).

Neurodiverse learners

To focus more on this group, we notice there is no direct reference made throughout the draft Code to neurodiverse learners. We would like to see that rectified, as well as an indication as to what learning environments are needed to support neurodiverse learners. (See 9.1.(b) (page. 10) and 20.b.(i) (page 15) where “all learners” was expanded to include a range of learner groups, but neurodiversity was not acknowledged).

Ako Aotearoa is currently working on a project about a [Dyslexia-friendly Quality Mark](#) for providers and we suggest this could be added to the guidelines as a mechanism to strengthen provider commitment and celebrate good practice where it can be recognised.

Pacific learners

We would like it noted that there is still a long tail of Pacific learners who are not self-sufficient and still rely on support services. This was exacerbated during COVID. Pastoral care is very important for Pacific students.

In relation to point 18. Emergency assistance and response planning (p. 14), we recommend the team make clear to providers that cultural obligations need to be factored into emergency situations. This is very important for Pacific learners whose study may be disrupted, if, for example, they need to stop

study to support family, especially financially. Currently the information in the draft under point 18 does not mention the need for cultural support, or culturally appropriate support.

What risks do you see from this new code?

Provider buy-in

We stress the importance of getting tertiary providers on board with the Code. It is very important that they don't see it as punitive, or at least another compliance fulfilling exercise, but as an opportunity to build their capability, and/or a means to showcase best practice that is, ideally, strengths based.

It may take time for some providers to understand the implications for the changes in the new Code and that may require time and resource that they feel they do not have.

Also, it is important to recognise the good practice already out there in the sector and remember that we are not starting from scratch.

Resourcing challenges

Ako Aotearoa believes that one of the key challenges with this relates to staffing and how important it is for staff to see this new Code as a priority and assign the appropriate resource/people to do the work associated with embedding the new Code into their business.

This will be heavily weighted by the organisational-wide approach, led by the institutional leaders and senior managers to provide budget, time and people or other resources as required.

Therefore, this may mean that some providers need additional support and require external resourcing to meet requirements. Although providers already have obligations, these are quite broad, and they may feel they need more funding to give proper effect to the Code.

This could create the biggest risk – a new Code that is ineffective, or has patchy success because of the inability of providers to raise the additional budget and resourcing to bring adequate effect to it.

MoE noted that the resourcing point is something we've heard from other conversations.

Do you agree with the proposed implementation and monitoring processes?

This is an area of interest to Ako Aotearoa and during our hui we asked how the providers will be held accountable to the Code? How will MoE and NZQA know whether the new Code is effective and that there is adequate uptake that makes a positive difference for all learners and their providers, with no mechanism to enforce its use?

Also, how will providers be held accountable to their learners and learning communities?

NZQA noted that NZQA will be monitoring the Code. NZQA will help the sector build their capability and capacity.

There is a lack of detail around this and we are keen to know more about how NZQA will assist providers.

Learner voice in the new code | Te orange me te haumarū ākonga

Ako Aotearoa welcomes the opportunity for greater empowerment of learners in the provision associated with their learning journey and acknowledge the proposed outcomes listed under Outcome 2 in the draft Code.

We want to have noted that students, and their representatives, are currently being canvassed for feedback and input to a range of initiatives (particularly under RoVE) and we ask if any of these learners are being compensated monetarily for the time.

NZQA noted that students were not paid but were provided lunch or morning/afternoon tea.

We take this opportunity to draw the team's attention to our previous work with NZUSA on the learner voice:

- Summary report – [Using the student voice to improve quality](#)
- Full report – [Student voice in tertiary education settings: Quality systems in practice](#)

A new Dispute Resolution Scheme (DRS) for domestic tertiary learners | He huarahi whakatau tautohe hou mō ngā ākonga mātauranga matua nō Aotearoa

Do you agree that a disputes resolution scheme to resolve financial and contractual disputes would be a useful process for tertiary learners and providers?

Ako Aotearoa is largely supportive of the changes to the dispute resolution scheme with its emphasis on being learner-centred; providing greater flexibility and enabling whānau to be involved. It is good to see that this will take a wider lens approach to ensure accessibility for all. It is good to see that hui may be set in different locations, including marae.

We note though, that the DRS only relates to financial or contractual disputes, not issues around wellbeing and we wonder how these other kinds of issues around wellbeing and safety can be progressed.

We would expect the new DRS to be centred around offering culturally appropriate support and advice to learners. We also expect that organisations and staff will be provided with clear policies and procedures, with the emphasis on provision of professional learning and development for staff so they can support their learners more holistically.

In our hui on 14 May, we queried whether the secondary education sector had been involved in this DRS. The transition space from secondary to tertiary is a critical area for inclusion.

MoE noted that there is a separate piece of work being progressed for complaints in the compulsory sector, but that learnings from that mahi had informed this DRS.

What suggestions do you have to make the proposed dispute resolution scheme work well for learners?

We recommend that rather than just saying 'culturally competent' practitioners, the new scheme explicitly calls out to Pacific and Māori, as important people for the provider to contract. This is especially important given the growing number of Pacific and Māori learners in tertiary.

Do you think that the proposed scheme will deliver equitable outcomes for Māori learners and their whānau? Please let us know why.

It has a greater chance of achieving this if learners:

- know where and how to easily access this service
- trust it is a scheme that is designed with them at its centre

- can reach culturally appropriate support and advice
- find the information accessible for all (including those with neurodiverse needs).

What would make it easy for all learners to access the proposed scheme?

Communicating the new DRS to learners will require additional effort to ensure that the diverse range of tertiary learners, a) know the scheme is in place and has been improved, b) understand how it empowers them (can trust and value it), and c) know how to easily access it when they need to.

This communication/engagement will need to involve reaching students wherever they learn and involve communicating with their wider family, whānau and communities.

What would make it easy for all learners to feel comfortable using the proposed scheme?

- To see a code that reflects their culture and cultural values, so they can identify with it and feel culturally supported.
- Increase their level of understanding as to how the code can empower them – a genuine mechanism to support their rights.
 - This may require additional support for international students and those distanced from their whānau and communities.

What suggestions do you have to make the resolution process fairer for both learners and providers?

- Clear guidelines and professional development for staff/providers
- Culturally appropriate support for learners in ways that reduce barriers for them to access the help they need in a timely way.

Relevant Ako Aotearoa resources

Ako Aotearoa submission to Mobilising New Worlds (2020)

NZIST/Te Pūkenga - <https://ako.ac.nz/assets/Submissions/NZIST-Working-Group-Report-Submission-Ako-Aotearoa.pdf>

Codes of Practice for Domestic Tertiary Students in New Zealand: A Stocktake (2012)

Network Research

- Summary Report - <https://ako.ac.nz/knowledge-centre/codes-of-practice/codes-of-practice-summary-report/>
- Stocktake - <https://ako.ac.nz/knowledge-centre/codes-of-practice/stocktake-of-codes-of-practice-in-tertiary-organisations/>

Dyslexia-Friendly Quality Mark (2020-21)

- Web page - <https://ako.ac.nz/about-us/alnacc/dyslexia-friendly-quality-mark/>
- Video - <https://youtu.be/3mjbVIGDvXk>

Learner agency in the age of Covid (2020)

<https://ako.ac.nz/our-community/ako-aotearoa-news/learner-agency-in-the-age-of-covid/>

Report - <https://ako.ac.nz/assets/News-and-Success-stories/Learner-agency-in-adult-foundation-level-education.pdf>

Māori Cultural Capability Pathway (MCCP) and Pacific Cultural Centredness Pathway (PCCP) (2018)

- Introduction - <https://ako.ac.nz/about-us/our-work/cultural-capability-pathways/>
- MCCP flyer - <https://ako.ac.nz/assets/Uploads/MCCP-Enhanced-December-2019-final.pdf>
- PCCP flyer - <https://ako.ac.nz/assets/Services/Capability-pathways/Pacific-Cultural-Centeredness-Pathway-Flyer.pdf>

The student voice in tertiary education settings: Quality systems in practice (2013)

Heathrose for Ako Aotearoa and NZUSA

- Summary report - [Using the student voice to improve quality](#)
- Full report - [Student voice in tertiary education settings: Quality systems in practice](#)

Projects

Hinātore – Empowering Māori and Pacific workplace employees (2019)

Kia ora Consulting, Industry Training Federation, Careerforce

- Summary report – <https://ako.ac.nz/knowledge-centre/hinatore-upskilling-Māori-and-pasifika-workplace-learners/summary-hinatore-empowering-Māori-and-pacific-workplace-employees/>
- Full report – <https://ako.ac.nz/knowledge-centre/hinatore-upskilling-Māori-and-pasifika-workplace-learners/hinatore-empowering-Māori-and-pacific-people-through-workplace-learning/>

Implementing and evaluating the efficacy of a Pasifika Resource Kit within three Canterbury tertiary institutions (2018)

University of Canterbury, Ara Institute of Canterbury, and Lincoln University

- Report – <https://ako.ac.nz/knowledge-centre/evaluating-pasifika-success-toolkit/pasifika-resource-kit-report/>
- Pasifika Success Indicators tool – <https://ako.ac.nz/knowledge-centre/evaluating-pasifika-success-toolkit/pasifika-success-indicators-tool/>
- Video 1, Definition of success through Pasifika student perspectives – <https://ako.ac.nz/knowledge-centre/evaluating-pasifika-success-toolkit/definition-of-success-through-pasifika-student-perspectives/>
- Video 2, Pasifika student voices – experiences, <https://ako.ac.nz/knowledge-centre/evaluating-pasifika-success-toolkit/pasifika-student-voices-experiences/>
- Video 3, Staff perspectives – reflections on Pasifika student success – <https://ako.ac.nz/knowledge-centre/evaluating-pasifika-success-toolkit/staff-perspectives-reflections-on-pasifika-success/>

The kaupapa Māori wellbeing assessment model – Hei Ara Ako ki te Oranga (2013)

Te Wāhanga – NZCER and Literacy Aotearoa

Report – <https://ako.ac.nz/knowledge-centre/Māori-wellbeing-assessment-model/>

SET for work, SET for life, Te Tai Tokerau (2019)

The Skills Org, Te Matarau Education Trust, NorthTec

- Report of best practice guidelines – <https://ako.ac.nz/knowledge-centre/set-for-work-set-for-life-te-tai-tokerau/set-for-life-best-practice-guidelines/>
- Poster – <https://ako.ac.nz/knowledge-centre/set-for-work-set-for-life-te-tai-tokerau/set-for-life/>

Māori learners in workplace settings (2013)

Industry Training Federation, Kahui Tautoko Consulting, MITO, BCITO

- Report, A model for successful Māori learners in workplace settings - <https://ako.ac.nz/knowledge-centre/Māori-learners-in-the-workplace-setting/summary-report-a-model-for-successful-Māori-learners-in-workplace-settngs/>

Youth Guarantee pathways and profiles project (2019)

Community Colleges NZ and The Collaborative

- Full Report - <https://ako.ac.nz/knowledge-centre/youth-guarantee-pathways-and-profiles-project/final-report-youth-guarantee-pathways-and-profiles-project/>
- Summary - <https://ako.ac.nz/knowledge-centre/youth-guarantee-pathways-and-profiles-project/youth-transition-experiences/>
- Main themes in the education, employment and transitions experiences of project participants - <https://ako.ac.nz/knowledge-centre/youth-guarantee-pathways-and-profiles-project/themes-youth-guarantee-pathways-and-profiles-project/>

The path of nexus – Māori student success in a design school context (2014)

Teachers and students of Otago Polytechnic

- Video - <https://ako.ac.nz/knowledge-centre/Māori-student-success-in-a-design-school-context/the-path-of-nexus-Māori-student-success-in-a-design-school-context/>

Tū te ngana hau (current)

Led by PrimaryITO

<https://ako.ac.nz/knowledge-centre/breath-of-endeavour/>

A two-year project to provide young unemployed Māori and school leavers with the skills, education and qualifications to enable them to move into employment by delivering a purpose-built community-led education programme based on a holistic Kaupapa Māori approach.

