



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

## ITENZ Submission

21 May, 2021

### Introduction

Thank you for this opportunity to feed back on the draft *Education (Pastoral Care of Tertiary and International Students) Code of Practice 2021* (the Code)

ITENZ is a peak body representing PTEs and has approximately 130 members. Member PTEs range from small providers with one or two staff to very large providers. They are very diverse and:

- operate in a wide range of sectors covering most industries.
- may deliver on campuses, online and/or in workplaces
- may be funded or unfunded
- may deliver programmes on or off the NZQF
- may deliver programmes from L1-L9
- may have learners who are:
  - domestic or international;
  - part time, full-time or attending short courses
  - made up of one or two dominant ethnicities or a wide range of ethnicities
  - school leavers, employees, or employers

ITENZ members have a long history of providing comprehensive academic and welfare support for learners and, indeed, many learners choose to attend a PTE *because* they feel they will be supported throughout their learning.

The nature of PTEs means that they are already well-positioned to support students. For example, they are usually a small business, usually focussed on particular industry or programme-type, usually focussed on a particular learner demographic, usually run small classes, usually have close contact between staff and students and so on.

### Summary

- We agree that a mechanism is needed to ensure student wellbeing; although
- We don't agree that there is a systemic problem in our sector that needs to be solved.
- We agree that a code of practice can be an effective mechanism.

- We don't agree that an adequate process has been followed in the development of this draft code; and
- We don't believe there has been sufficient recognition of the high level of student pastoral care already offered in PTEs; and, as a result,
- It is our view, the Code as it stands is not adequate and cannot be effectively or fairly implemented.
- In our view, many of the expectations placed on TEOs are inappropriate and beyond their duty and/or their ability to achieve.
- In our view, the biggest barrier to effectiveness of this Code is the use of prescriptive processes.
- In our view, the Code should focus on outcomes with the TEOs being responsible for the processes that support delivery of the desired outcome.
- We believe that there should be recognition that tertiary students are adult and entitled to independence. Education providers can guide and advise but cannot force students to participate or take certain actions.
- We are strongly of the view that this Code cannot be effectively implemented without significant changes and without infrastructure and funding support.

## Detailed comments

We agree that there is a link between wellbeing and education outcomes and that TEOs have some responsibility in supporting and managing wellbeing of learners while they are enrolled with the organisation and while they are engaged in learning with the organisation.

In our view the Code as it stands requires a level of care for learners that is onerous and inappropriate.

The Code does not specify whether, when *care* is used, it means *to care for*, in the sense that all basic needs are met by the carer (e.g. in the way that nurses care for sick patients or parents care for small children), or *take care of* in the sense of protecting a person and keeping them safe from harm. We believe it ought to be the latter but that the Code strays too far into the former.

[The language used in the Code is grammatically incorrect, and its completion will have an impact on meaning, viz:

*(2) This code specifies the role of providers in ensuring the organised and formal provision of wellbeing and safety practices to care and assist – (a) all tertiary learners generally; and (b) tertiary learners residing in student accommodation; and (c) international tertiary students; and (d) international school students. P5 3 (2)*

As one cannot *care all tertiary learners*, we need to know whether the intended meaning is *to care for and assist* or if it is *to take care of and assist*].

We do not agree that the Code is the place to include outcomes related to academic support. Academic support needs to be placed in the context of teaching and learning and there already exist extensive quality assurance mechanisms to ensure support is provided and to evaluate the effectiveness of that support.

We agree that there are areas of wellbeing where TEOs need to be accountable; however, we do not agree that the TEO should always be responsible for a learner's welfare to the extent that is required in the Code.

We are concerned that the Code is being used as an opportunity to shift much of the responsibility for the wellness of those who access tertiary education onto TEOs without full consideration of the part the TEO plays in the person's life. For example, regardless of whether a person is full-time student; a part-time/full-time worker and a part time student; a workplace learner; or an occasional learner, the Code states that the TEO *must have practices that assist all learners (including those who have work, family or caring commitments) to identify and manage their basic needs, p17, 25 (1)* where basic needs are defined in the Code *as the essential material requirements to support wellbeing and safety including housing, food and clothing. (P7)*

We do not agree that *having practices that assist all learners (including those who have work, family or caring commitments) to identify and manage their basic needs* is an appropriate role for a TEO.

We further believe this is incompatible with the Code's definition of pastoral care (*pastoral care wellbeing and safety practices) means a provider's responsibilities for supporting the wellbeing and safety and educational achievement of students in their learning environment.(p8)*).

We have concerns about what *learning environment* means for distance, online, and offshore students and how the Code may be interpreted in its implementation in relation to these learning contexts.

It is our view that wellbeing is a responsibility that should be shared between TEOs, learners, government agencies, communities, iwi and whanau and other stakeholders, and that this should be reflected in a national, cross-agency, cross-community plan.

It is not clear how the Code is part of a systematic national plan to improve the population's safety and wellbeing, or how the Code connects and interacts with other parts of the system.

We do agree that some form of a code of practice is an appropriate mechanism for ensuring that TEOs take responsibility for supporting the wellbeing of their learners.

It is our view that a code of practice should be developed by the sector so that the sector has ownership. We do not think a development process followed by a consultation process is the correct approach and we think that the resulting Code is flawed because of that.

Furthermore, we believe that, in order for the outcomes to be met, Government must partner with education providers at a local or regional level to provide financial and/or infrastructure support for wellbeing services. This could include services such as professional counselling or nursing services which are not currently available to students (or providers) due to lack of local provision or due to cost barriers. Financial support could include a wellbeing top-up for every learner.

We agree that a code should prescribe appropriate outcomes; and overall, we agree with the outcomes proposed; however, there are some that we believe need removing or changing.

- Outcome 1 : In our view this should include "to the extent that is appropriate and practicable."
- Outcome 5: In our view this should also be "as far as appropriate and practicable" within the context of the Provider.
- Outcome 6: This is important but we don't agree that this should be part of a pastoral care code. This outcome is already addressed in other ways; for example, through EERs.

- Outcome 7: We don't agree this is the role of the TEO to the extent implied by the processes. If TEOs are required to develop learners' capacity to manage their physical and mental health then this should be included in learning outcomes (as it already is in some unit standards) and included in programmes. NZQA would need to allow some non-assessed credits (as assessment would not always be appropriate) and TEC should fund delivery.

An acceptable wording for this outcome would be - *Providers support learners to ~~develop the capacity to manage their~~ access physical and mental health ~~and access support through~~ information, advice, and support when they need it.*

- Outcome 15: Agree; however, it needs to be recognised that there are both buyer and seller agents.

We have concerns about the extent of consultation required of a provider. We would like further clarity on what is meant by *iwi, whanau, family, and local communities* and who it is from these groups that is entitled to speak on their behalf.

We wonder whether *consult with* actually mean *consult within*?

We have concerns about how this will be implemented and how a Code evaluator would be able to make a judgement on whether sufficient consultation had taken place.

We have further concerns about anyone being consulted about an individual learner if that learner does not wish for others to be consulted.

We do not agree that the code should prescribe processes. There are a number of reasons for this.

- 1) They lead the quality assurance process to become a box-ticking, audit/inspection process rather than an evaluative process. This does not align with the Code Administrator's (NZQA) views on quality assurance.
- 2) The prescribed processes are not always the best way or only way to meet an outcome but the use of the word *must* means those processes are mandatory. Providers will be penalised where a *must* process is not shown to be followed, regardless of whether that process is the most appropriate. If MoE or NZQA believe there should be some flexibility around these processes then *must* cannot be used and *as far as practicable* included.
- 3) The processes do not take account of context. For example, the size, location, demographics, culture, or type of provider. A code needs to allow provider to evidence outcomes in other ways that suit their context.
- 4) The processes require Code evaluators to make judgements in areas in which they cannot be expected to have expertise and/or where there is a high level of ambiguity or subjectivity. For example, whether food is healthy and reasonably priced or a space warm and inviting, whether *iwi* have been consulted (see comments above), or whether a complaint has been sufficiently considered from a cultural perspective.
- 5) The processes reach beyond what should be the jurisdiction of the MoE and over what remit NZQA, as administrator, ought to have. For example, while we agree that *enhancing ecological sustainability* it is a worthwhile goal, we do not agree that the Code is the appropriate place to require a provider to have such practices; it does not fit with the purpose of the Code.
- 6) TEC and NZQA both manage outcomes-based performance systems. (EPIs in the case of TEC and KEQs in the case of NZQA) without prescribing processes.

By way of illustration, below are some examples of processes which are inappropriate or which are problematic for evaluation. The list is not complete; our position is that processes should not be part of the Code.

- *Providers must arrange for a peer-to-peer verification of self-assessments by suitably skilled and qualified staff from a different tertiary provider at a frequency determined by the code administrator.*

This is not practicable. Why, specifically, another provider? Why not a review team including outside staff? Nor is it equitable - what does this mean for Te Pukenga? Will they have to use a PTE or university or are they able to do peer to peer *within* the institution?

- *..providing learners with warm and inviting spaces where culture and identity is uplifted and valued, to connect, build relationships, support each other, and to welcome their friends, families, and whānau*

Whose culture? Some providers have up to 30 nationalities/ethnicities. Small providers do not have the space for welcoming friends and family and smaller providers may not be able to afford to provide additional facilities. There are H&S issues as well, especially when whanau include children. Who is responsible for them?

- *...reporting back annually on the number and nature of complaints made (at an aggregate level) to provider management, learners, and other key stakeholders (including the quality assurer) including on provider websites;*

We don't think publication of complaints on websites is appropriate. Nor do we have faith that this will be evaluated fairly or that PTEs, universities, schools and ITPs will have equitable expectations placed on them. We don't believe this reflects the culture of the agencies either; for example, where would we find complaints made against MoE or NZQA?

We do not understand what value this adds.

- *Providers must have practices that provide opportunities and safe spaces for learners to – ..... (d) access leadership opportunities .....*

We don't understand how accessing leadership opportunities fits into the Code and we don't agree that it should be a requirement.

- *Providing opportunities for work-integrated learning and volunteering;*

We do not think this has a place in the Code. It is not relevant to wellbeing except in the very broadest sense and it should not be a requirement. It is more properly located in a programme approval and evaluated through existing QA means.

We support the need for a complaints process that is transparent and fair.

We have concerns about the expectations of the Code with regard to complaints.

The Code does not define a complaint. Although the Code states that responses must be *appropriate to the level of complexity or sensitivity of the complaint* we think there is a high level of subjectivity

required on the part of the Code Administrator to evaluate this. "Complaints" can range from 'not enough teabags' to harmful behaviour. This is likely to lead to implementation issues.

The requirements to report back on the number of complaints (whatever these are) on the providers' website is disproportionate and inappropriate.

Thank you.

Wayne Dyer

Chief Executive

ITENZ