

**19 May 2021**

## Consultation on Tertiary learner wellbeing and safety

We are pleased to provide comment to The Ministry of Education on Tertiary learner wellbeing and safety.

### **About Te Rito Maioha Early Childhood New Zealand**

Te Rito Maioha Early Childhood New Zealand (ECNZ) is an Incorporated Society of members committed to high quality early childhood education for every child. Established in 1963, the organisation is an influential leader in shaping today's early childhood sector through advocacy, policy, tertiary education qualifications and professional development programmes.

We advocate for early childhood education services and the teachers|kaiako who provide education to thousands of infants, toddlers, and children|tamariki. Our members are drawn from a diverse range of community-based, privately-owned, kindergarten and homebased early childhood education services.

Te Rito Maioha is also a registered Private Training Establishment (PTE) with the highest Category One rating for a tertiary provider. We are accredited and approved by New Zealand Qualifications Authority (NZQA) to deliver a range of undergraduate, graduate, and postgraduate qualifications (levels 5-9), including specialist teacher|kaiako education, both nationally and internationally.

We are committed to achieving high-quality teaching and learning by:

- increasing teachers|kaiako knowledge of Te Tiriti o Waitangi and Aotearoa New Zealand's dual cultural heritage;
- providing access to online blended delivery of undergraduate, graduate, and postgraduate tertiary education programmes leading to recognised and approved qualifications;
- promoting quality teaching and leadership through ongoing professional learning and development programmes;
- providing a range of unique resources and services to our members.

### **Code of Wellbeing and Safety**

We agree with replacing The Education (Pastoral Care of Domestic Tertiary Students) Interim Code and the Education (Pastoral Care of International Tertiary Students) Code of Practice with a single code - the Education (Pastoral Care of Tertiary and International Students) Code of Practice 2021.

However, we question if it was intentional that some of the clauses/outcomes from the international code have been diluted for example the requirements in the existing Education (Pastoral Care of Tertiary and International Students) Code of Practice regarding the provision of contact details for a 24/7 contact person.

We note there are a significant number of new requirements for providers, especially in the area of processes for complaints, ensuring thorough staff knowledge of student welfare issues, development of new consistent practices and public information sharing.

While we agree there should be a focus on learner wellbeing in each organisation's strategy, we question the requirement for students and whānau to be consulted in the development and review of organisation

strategic goals. This could be costly and time consuming for providers. Currently, whenever Te Rito Maioha make changes that may impact learners, we consult via our external stakeholder group that includes both ākonga and early learning centres.

We are concerned about the requirement for peer-to-peer verification of self-assessments by a different tertiary provider and making those assessment public, as they will include commercially sensitive information.

We are concerned with the short lead in time for providers to have a large volume of documented practices in place, again another compliance impact creating enormous workloads for teaching and support staff.

### **Dispute Resolution Scheme for domestic tertiary learners**

We note that as part of Stage 1, this scheme only covers contractual and financial disputes (and that other types of disputes with PTEs will still go through NZQA or TEC).

We agree with the Stage 1 proposals that a range of people should be able to make a complaint on behalf of a learner and that groups of learners should be able to raise the same complaint in a collective manner.

As a bicultural organisation, we are heartened to see that the learner focused approach will ensure that operators must resolve disputes in a way that gives effect to Te Tiriti O Waitangi.

We support the scheme operator having the flexibility to use a progression of methods of resolution from facilitation and mediation through to adjudication, and to work with all parties in a way they want or are comfortable with.

We agree with the proposal to combine this scheme with the international dispute resolution scheme in a future stage.

### **12 Proposed Law Changes**

We note that in the consultation material, there is no “proposal 9”. We ask if this was an editorial error, and that there are only 11 proposals?

We support all of the following proposals:

Proposal 1: Changing sections 534(1) and (2) be amended to focus on both learner wellbeing and safety.

Proposal 2: Clarifying that the code administrator and dispute resolution scheme operator must honour Te Tiriti and support Māori-Crown relationships.

Proposal 3: Changes to better enable the code administrator to undertake its function.

Proposal 4: Modernising and updating the law. We like the ability to have tailored codes in the future. This would allow specific categories of providers to be targeted if necessary, without creating overly burdensome requirements on other provider categories.

Proposal 5: Aligning the dollar amount cap on claims with the District Court claim threshold.

Proposal 6: Broadening the scope of the dispute resolution scheme to award remedies where there is a breach of the code.

Proposal 7: Having a clear process and transparent criteria for appointing the dispute resolution scheme administrator.

Proposal 8: The law outlining issues that the dispute resolution scheme operator must report on.

Proposal 10: Allowing the dispute resolution scheme operator, code administrator and quality assurance regulator to collect and share complaint information. We are pleased to see that complainant personal details will not be shared unless necessary and consistent with the Privacy Act.

Proposal 11: The Ombudsman having jurisdiction over the code administrator and the dispute resolution scheme operator.

Proposal 12: Gazetting expectations about enrolment forms/contracts, processes, and the provision of information to learners.

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Make submission to [CodeOfPastoralCare@education.govt.nz](mailto:CodeOfPastoralCare@education.govt.nz) by 21 May 2021.

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