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s9(2)(a)

Tēnā koe s9(2)(a)

Thank you for your request, received on 18 March 2020, for the following information under the Official Information Act 1982 (the Act):

*Writing to request information from you for the purpose of a research project for my university study. As part of a 300-level law elective at Victoria University of Wellington I am writing an essay on the Education (Pastoral Care) Amendment Act 2019.*

*During the introduction/first reading of the Bill that eventually became the Education (Pastoral Care) Amendment Act 2019, Minister for Education Chris Hipkins notes that he requested from the Tertiary Education Commission, a report/reports from all tertiary institutions as to the pastoral care systems/practises in place at that time (being October 2019). Could you please provide to me the report/s that were generated as a result of that request by the Minister? Or a collation of the different reports provided by tertiary education providers to you?*

I am releasing two documents that are in scope of your request. The first is a table that consolidates the responses from universities regarding their pastoral care management soon after the discovery that a student had died at a student hall of residence in Christchurch.

The Tertiary Education Commission (TEC) contacted the universities and collected this information by way of phone calls and emails in a very short timeframe. Not all information arrived to TEC in time to be included in this consolidated table. For this reason, the table will not fully reflect the actions from universities and should be treated as a summary. This is being released to you as a summary under section 16(1)(e) of the Act.

The second document being released to you outlines advice, prepared by the Ministry of Education, which sets out preliminary thinking about possible options for increasing support for domestic tertiary education students.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.



The TEC may publish its response to this request on our website with your personal details removed. Consistent with the Act, we are publishing responses in the interests of transparency and accountability, and to improve access to official information.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Tim Fowler', with a long horizontal flourish extending to the right.

Tim Fowler  
Chief Executive  
Tertiary Education Commission

University	Feedback
Auckland	<p>Action taken since event: when heard the news already actioned by communicating with all Resident Managers. Following TEC's e-mail, have communicated again. Individual room checks have occurred to see if anyone is missing or any students have been traumatised. Was discovered an existing student new the deceased very well. Providing extra support to this student.</p> <p><b>Components of Pastoral Care at University of Auckland</b></p> <ol style="list-style-type: none"> <li>1. Safety of the residents</li> <li>2. Wellbeing of residents</li> <li>3. 24 hour on-call system to support the residents</li> <li>4. Life skills development offerings (academic study skills, budgeting, cooking etc.)</li> <li>5. Making connections to University support systems</li> <li>6. Making connections to external support systems</li> <li>7. Knowing the residents (Resident Managers &amp; Coordinators knowing who lives in the hall and who might be requiring additional assistance. RAs being present on their floors and knowing the students in their care)</li> </ol> <p><b>Pastoral Care Team</b></p> <p>The campus is divided into two areas and each are has a Manager and every hall/residence has a resident manager. In school leaver/catered accommodation the Resident Manager lives on site. Each area also has Resident Coordinators who work afternoon and evenings. Each hall/residence has Resident Advisors who live in the accommodation with the students. Resident Advisors are peer advisers (University students) who have been trained for the role. They are responsible for/offer first line pastor care to a select number of residents (varies based on the type and design of the hall/residence.) All pastoral care providers are police vetted.</p> <p><b>How UoA Accommodation responds to a missing student inquiry.</b></p> <p>Example: Parent calls in evening because they haven't heard from their child for a week</p> <ol style="list-style-type: none"> <li>1. RA answers duty phone and creates an incident entry in accommodation System</li> <li>2. RA checks on student <ol style="list-style-type: none"> <li>a. If student in room, advises student to call home</li> <li>b. If student not in room, RA will ask around the hall. Asking friends of the student if they know where the is.</li> <li>c. If RA still can't find student, refers up to 2<sup>nd</sup> level Call (UoA professional staff member)</li> <li>d. Staff member advises RA to get master key and enter the student's room.</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>i. If student there – and needs help the RA calls emergency services etc. If student was just not answering the door but everything appears to be OK student advised to call home</li> <li>ii. If student is not in room RA does a room condition evaluation. (Any signs of harm, mobile phone and/or keys in room etc.) <ul style="list-style-type: none"> <li>1. If nothing suspicious, then RA will continue to ask around the floor, ask friends to call friends and check on students social media</li> <li>2. If something seems suspicious RA will report back to level 2 call and call security.</li> </ul> </li> <li>iii. Level 2 call will ask Security to check last use of ID card for access anywhere on campus. <ul style="list-style-type: none"> <li>1. If card hasn't been used in last 48 hours, Level 2 will call Level 3 on-call.</li> <li>2. Level three on-call will contact the emergency number supplied by the student to check if they've had contact or to report the concern. Based on the result of that call the police would be called. (Note: If the emergency contact is not the parent, level 3 would also reach out to the parent who had made the original inquiry.) Level 3 call will notify the Associate Director of Campus Life (Accommodation)</li> </ul> </li> <li>e. RA will continue to check the room and talk with other students on the floor until the student is located.</li> </ul>
AUT	<p>AUT PLAN IN RESPONSE FOR THE SUPPORT &amp; WELLBEING OF AUT ON-CAMPUS RESIDENTS</p> <p>REQUIREMENT 1: Every student (domestic &amp; international) using your organisation's accommodation services are safe, have been checked, and all have the relevant support they need.</p> <p>IMMEDIATE RESPONSE BY END OF Friday 27 SEPTEMBER 2019:</p> <ul style="list-style-type: none"> <li>1. All residents (709) will be accounted for by phone for a wellbeing check and informed of support available. (Completed by 12 noon 27 September 2019)</li> <li>2. All residents will receive an information flyer delivered to their room of support available.</li> <li>3. A Senior Manager will oversee student ambassador (paid) evening checks on the evening of 26 September 2019</li> <li>4. AUT Social Workers will meet with Residential Assistants (AUT students employed by CLV) to offer support.</li> <li>5. A report will be completed identifying students who have not been contacted, by phone or physically (completed by 1pm Friday 27 September 2019).</li> <li>6. All students not contacted will have their emergency contact activated and contacted.</li> <li>7. Residential Social Media pages will be updated with wellbeing information and importance of maintaining UpToDate emergency contact details.</li> </ul>

	<p>8. Information will be communicated to students and staff using AUT channels.</p> <p>PROPOSED FUTURE RESPONSE BY FRIDAY 4 OCTOBER 2019:</p> <p>9. Implement as a permanent measure a report of</p> <ol style="list-style-type: none"> <li>a. Access card activity for residences; any resident that has not used their card within 72 hours will be contacted for a wellbeing check.</li> <li>b. Collection of analytics of residents who have not accessed university Wifi or logged into learning systems (Blackboard) and complete wellbeing check.</li> </ol> <p>REQUIREMENT 2: AUT Council to undertake a process to reassure themselves, and me, that your institution has effective systems and procedures in place to ensure the pastoral care for all of the students who use your organisation's accommodation services.</p> <p>PLANNED INDEPENDENT RESPONSE: Engage AUT Internal Auditor to complete a residential wellbeing (including monitoring) process and system audit across AUT and CLV contracts. Activated 26 September 2019.</p>
Lincoln	<p>Action taken since event: by 3pm on 26/9/19 communication will go to all residential and non-residential students. Weekly business as usual meeting occur between RA and accommodation staff to discuss pastoral care. Small Uni so know staff by names. Halls of residence fully integrated and run by Uni and not a third party. 13 RA's to 430 students. Consider cleaning staff who go into rooms daily to be a backup. Christchurch Mosque events have meant several systems in place for pastoral care. Newly in place: have discussed in the Uni senior team this morning, putting a process in place to academic staff to ensure that students missing more than one assessment are red flagged for action. Also since new - have been reviewing records to see if students have been away.</p>
Massey	<p>Undertaking welfare checks for each student over the coming days with one to ones with each student being arranged to ensure they are comfortable but also refresh them on the supports systems available to them. Will also be group meetings with students and this is already underway. 1200 students will take time to work through. Current system, SOP, and manage own pastoral systems. Own staff, systems and people. Supporting health and welfare a priority always. Have welfare plans for students at risk with good protocols in place. Also have critical incident procedures. 1 RA to 31 students, in first year halls. Senior students in addition provide support. Newly implemented since event; staff met yesterday and today to ensure and reassure regular engagement occurring. Have started to work on a plan where technology can bring up red flags (e.g. missing meals). Generally augmenting on an already strong system but looking at improvement so have been discussing: RA new tools, with better recording, refreshing RA training and support, and will continue to look at new measures for improvement.</p> <p><b>Info provided at 2pm in a letter</b></p>

Massey has a relationship with Campus Living Villages (CLV) to provide accommodation management services for Massey on both the Auckland and Palmerston North campuses. That contractual relationship is actively managed through a Service Level Agreement.

CLV are responsible for the following services on the Auckland and Palmerston North Campuses:

- Management of Residential Tenancy Agreements
- Check in and check out services
- Cleaning of communal areas, provision/maintenance of chattels and room audits
- Fee collection and financial administration

A separate third party provider provides catering services on the Auckland and Palmerston North campuses for those students choosing to reside in catered accommodation.

In Wellington, the accommodation is managed by Massey University, and all accommodation is self-catered.

Residential management staff are Massey employees and together with the Residential Assistants manage the pastoral care programme for students in on-campus accommodation. Our current systems and procedures related to pastoral care for students in on-campus accommodation include:

- A set of standard operating procedures for residential pastoral care through which residents are supported and their health and welfare promoted. This includes:
  - Established protocols for students of concern
  - The development of welfare plans for high risk students
  - Established critical incident management procedures
- Regular systematic engagement between residential staff and students including one on one welfare checks and monthly hall group meetings.
- A comprehensive Residential Life Programme which includes regular floor and/or block activities.
- A procedure for students to register their absences from the halls.

Massey has an average ratio of 1 Residential Assistant to 31 students in our first year halls. The Residential Assistants are trained senior students who provide peer support to residents. The Residential Management positions are live-in positions, and those staff supervise and support the Residential Assistant Teams, and report into the Associate Director Student Services.

Specific information on those positions and numbers of students in on-campus accommodation is as follows:

	'First Year' Halls		
	Residents	Residential Assistants/ Life Officers	Residential Management Positions
Auckland	204	6	3
Manawatu	610	21	4
Wellington	410	13	2.5

Massey University has strong processes in place to support students in University-managed accommodation. However, in light of the events of this week, our Residential Managers have met and are working with their teams to augment our current processes by commencing additional one-on-one welfare checks of all residents over the next two days. We expect to receive a progress update on this late Friday afternoon.

Massey is also proactively assessing its current operating procedures to ensure they remain fit-for-purpose and effective. The Student Life Team along with the residential staff are reflecting on current practice and have identified some additional measures for further assessment and consideration. These include:

- Using technology to generate regular reporting on missed meals in our catered accommodation.
- Reviewing our current student/residential staff ratios.
- Tools for RAs to be more systematic in their noting of interactions with residents.
- Further enhancements to Residential Assistant training and support.
- A campaign to encourage students self-reporting of planned absences.
- Engagement with their professional association (NZATEAP) to further discussions about an endorsed code of practice or set of professional standards.

In addition to the above, for all our pre-degree programmes we take attendance for all programmes, and follow up for non-attendance proactively to ensure students' welfare. Across the University where students are in Homestay accommodation, we have a regular process of checking in with both hosts and students to ensure their welfare. All Homestay students have 24 hour access to accommodation and welfare staff.

Otago	<p>This morning contacted the college leaders (15 residential colleges, 3,500 residents in single bedrooms) and head of university flats (750 beds in flats ).</p> <p>The communication was in two-parts firstly to inform the community leaders of the currently known details of the young Canterbury student who passed away, so they can check whether or not they have any residents from the same school (Scots College, Wellington) or connected in some way.</p> <p>Accommodation office has checked database to see if there were likely to be any other family members there. The college leaders have begun to identify and locate possibly affected residents and offer support at this difficult time.</p> <p>The second was to ask for confirmation in the highlighted section in Tim’s email below. They have asked for every room in every college, including those run independently but affiliated to the university, to be checked today and efforts made to locate every resident. However I note the students are not children and a number of them will be away from the college (skiing, hiking, visiting friends/whanau etc.). so this might take a little longer.</p> <p>Checking the UniFlats will also take more than a day as the students are older and more mobile around the region, and geographically spread over north Dunedin, and there are far fewer student leadership staff to undertake the mechanics of the task. But that is also getting actioned.</p> <p>Also as noted Otago has a full collegiate system that sees between two and five (dependent of college size) mature full time permanent pastoral care and college leadership professionals and their families living on site. A ratio of mature full time permanent staff to residents would be approximately around 1:100. In addition to this our ratio of Student leaders (RA’s) to residents ranges from 1:18 – 1:33 again depending on the size and layout of the college.</p> <p>All the cleaning staff, catering staff, administrative staff, evening security, and property staff form part of our support network around student wellbeing and pastoral care. They all know to be vigilant in noticing the small things like mail boxes not being emptied, sheet changes being missed, laundry not collected, residents missing tutorials, curtains not being opened, people missing meals, etc. as well as noticing students not taking care of themselves, sleeping late, drinking too much, or becoming anti-social or withdrawn. We attempt, when possible, to have meaningful conversations with all our college residents at least once per week. Either passing in the corridor, at inter-college events, or at meal times etc.,</p> <p>Lastly in light of the time the young Canterbury Students’ body apparently lay undiscovered they have instructed that all colleges cleaning staff must enter every bed room at least twice per week. If not already doing so from now on.</p>
VUW	<p>Immediate response</p> <p>Confident hall staff know their communities well; however we are completing further checks to ensure all students are accounted for.</p> <p>The relevant support services are in place for those whom we have already identified as needing support.</p>

	<p>Review of processes Currently reviewing our existing processes to ensure they are operating as intended and are effective. A report will be completed shortly.</p>
Waikato	<p>Confirm by e-mail that the University of Waikato's accommodation staff have undertaken an audit of all of the University's accommodation bedrooms. There were occasions when students were not in their room at the time of the audit. Staff are following up with these students.</p>
UC	<p>No call today but communication to occur this week and ongoing.</p>

## **Domestic tertiary student welfare: policy and regulatory options**

This note discusses options for improving pastoral care and welfare for tertiary students, some of which would require regulatory change. At this stage, they provide high-level possibilities and further work is needed to fully understand their practicality and effectiveness.

### ***Regulatory options***

#### *1) Creation of a Statutory Code for domestic students similar to the international Code of Practice*

This could be similar to the Education (Pastoral Care of International Students) Code of Practice 2016 (international code). For this to be a legislative instrument a provision would need to be added to the Education Act 1989. For international students:

- Section 238F(1) of the Act sets out that the Minister may publish a code of practice that provides a framework for the pastoral care of international students. The code is a legislative instrument (section 238F(5)).
- A provider must be a signatory to the code if they enrol international students and the code is binding on all signatories (sections 238E(1) and 238F(4)).

A separate code for domestic students is one option, with the current international code remaining in place for international students. Another option would be to create one overarching code that would apply to both domestic and international students.

The international code covers safety and wellbeing, student support, advice and services and grievance processes amongst other matters. It includes consumer protection issues where there are existing arrangements for domestic students. Much of its focus is on providing assurance about the quality of the NZ system to overseas markets. Some areas apply specifically to under 18 year olds, particularly safety checking and communication with parents/guardians.

We would expect a domestic code to have a narrower focus specifically on welfare and pastoral care. A section of the international code that is particularly relevant is clause 25, which sets out requirements for supporting international students at risk or with special needs.

We would need to establish how a code for domestic students could be enforced. The effectiveness of the international code largely depends on the monitoring and compliance system which enforces it, along with the quality of support for signatories to understand and apply it. NZQA generally emphasises support for signatories to improve pastoral care processes to meet the outcomes of the international code, and sanctions are very rarely used.

The international code is enforced through sanctions set out in the Act including imposing conditions on enrolment of international students and code signatory status. NZQA may also remove code signatory status, meaning the provider cannot enrol any further international students. We might not want to use such significant sanctions for a domestic code, particularly as they may conflict with rights of enrolment currently in the Act.

Administration of a code would also require funding. International code administration and the dispute resolution service are funded by the education export levy, which also covers fee protection and other services that support the industry.

We need to consider who would administer a code for domestic students. NZQA administers the international code on behalf of the Minister of Education and has some skills and expertise in pastoral care which means that it may be able to expand its role with funding. ERO and UNZ currently monitor code compliance in schools and universities.

Adding pastoral care requirements for domestic students through a code for domestic students would have an impact on providers – some may struggle to meet the extra obligations. It is likely to meet with some opposition from universities in particular on institutional autonomy grounds, although this would be resolved via any legislative process.

## *2) Creation of a legislative framework for welfare and pastoral care*

Similar to option one, but with more of the rights and responsibilities set out in primary legislation, with administrative issues set out in secondary legislation.

The difference with this option, is an expectation that this document would not reflect the international code so substantially. It be likely to have a narrower ambit, focusing on student wellbeing and setting out pastoral care expectations for providers.

This would take longer to establish as it would require work on the rights and responsibilities before legislation could be introduced. Enforcement and funding would also need to be worked through.

## *3) Creation of regulations for halls of residence similar to the Education (Hostels) Regulations 2005*

We could create regulations for halls of residence on a similar basis to the Education (Hostels) Regulations 2005 (Regulations). The Regulations apply to school hostels and their purpose is to help ensure the safety of students who board at hostels (section 144B of the Act).

The Regulations were created under section 144C of the Education Act 1989. This provides for an Order in Council to make regulations for various purposes, including:

- adopting minimum standards that apply to hostel premises and facilities
- adopting codes of practice relating to the management of hostels.

Additionally, section 144D says that an authorised person may enter and inspect hostel premises. Hostels need to be licenced by the Ministry to operate and licences are renewed every 3 years. The Education Review Office reviews all hostels as part of their regular review cycle.

Parts of the Regulations could be used to develop similar regulations and guidelines for halls of residence. The clear distinction is that tertiary students are primarily over 18 and therefore any regulatory framework would need to be varied to reflect their status as adults.

Other than licensing, the Regulations also cover minimum standards for hostel premises and facilities, and a code of practice relating to the management of hostels. This includes expectations relating to health and safety, maintenance of facilities and staffing. There are also penalties for non-compliance.

If we pursued this option, we may want to go beyond some elements of the the Hostel Regulations by having a stronger focus on pastoral care and student wellbeing.

## *4) Amendment to the Residential Tenancies Act 1986*

The Residential Tenancies Act could be amended to set out additional requirements for halls of residence. This could possibly include minimum standards for halls of residence regarding pastoral care.

Any amendment would need to be led by the Ministry of Housing and Urban Development as it administers this Act.

This could be a less complex option depending on how the Act was amended. For example, section 5B could be amended to require the House Rules, which accommodation providers are required to have, to include pastoral care of tenants.

### ***Non-regulatory options***

#### ***5) Providers can take action by developing voluntary codes of practice***

Providers could be encouraged to create a voluntary, but government-supported, code of practice for domestic students. The content of such a code might be similar to that set out in options 1 and 2 but this would be led by providers. We would need to consider incentives for providers to develop a code voluntarily and whether there would be a review/ monitoring system for this.

#### ***6) Structural changes to support student voice***

We are currently consulting on options for changes to support enhanced student voice, that would support improvements to wider student welfare:

- a) Providers being required to set up a process to feed student voice into their governance arrangements and provision of student support services. Providers would be able to design what this process would look like and how it would function.
- b) Providers being required to set up a student subcommittee to their council. However, specifics around the form and function of the subcommittee would be decided by the council.
- c) The establishment of a national centre for student voice i.e. a publicly funded national-level agency for supporting students, staff, and providers, and for facilitating best practice around student voice.

### ***Levers to support change***

#### ***Tertiary Education Strategy***

Learner wellbeing is a focus on the draft TES that is currently out for consultation. The first objective of the 30 year vision for education is learners with their whānau are at the centre of education. The draft TES priority for this objective is to make sure tertiary environments are safe, inclusive and responsive.

We intend to add actions under the TES linked that are related to expectations of pastoral care by providers.

In the medium term we could pursue a legislative amendment to section 159AA of the Act to require the TES to specifically address learner wellbeing as well as economic, social, environmental goals and the development aspiration of Māori and other population groups.

#### ***Funding and levies***

The creation of a wellbeing fund could be used to improve and develop student support. This would be more likely to be required if any code is voluntary.

### *Other Incentives*

Other possible incentives could include a halls of residence rating system and student experience measures.

### **Risks**

- The options discussed above are legally possible but all need further policy work to determine their practicality and effectiveness.
- For best success of any of the options leadership of students and the support of providers is needed. A co-design process led by students, with UNZ and other peak bodies would help achieve this.
- Depending on the extent of increased regulation, this could drive the costs of Halls of Residence upwards.
- Some providers, particularly smaller providers, may struggle to meet extra obligations for domestic students without support or additional funding.