



**Submission by the**  
**Victoria University of Wellington Students' Association**  
***Te Oranga me te Haumarū Ākonga***  
***Tertiary learner wellbeing and safety***  
***(The New Code of Pastoral Care)***

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## **1. INTRODUCTION**

Te Oranga me te Haumaru Ākonga presents a genuine opportunity to reshape and reconfigure the level of pastoral care provided within New Zealand's tertiary education system. After years of neglect, students are finally able to see change to an area which has been labelled 'unregulated'. Victoria University of Wellington's Students' Association represents some 22,000 students, many of whom reside in Halls of Residence, and make use of our student service facilities. Throughout VUWSA's history, we have pushed and advocated for an increase in the level of pastoral care given to students, and are hopeful that the proposed changes will lead to our students' gaining a level of safety and wellbeing which will ensure their time throughout university is safe, healthy and mana-empowering.

Below are our views on the proposed Tertiary Learner Wellbeing and Safety Code. We have focused on the three major changes:

- The introduction of the new code itself;
- The creation of a new dispute resolution scheme for domestic learners;
- The associated law amendments.

In each section we have used our own experiences as student reps, alongside the feedback gained from other student representatives and the wider student body during our consultation sessions, to shape our views. While we believe that this new code is a step in the right direction, considerably more work must be done in specifying aspects of the code, including how it will tangibly engage with the day-to-day life of students.

## **2. A NEW CODE ON WELLBEING AND SAFETY**

VUWSA appreciates the intent of the new code of practice for pastoral care and believe that it is timely and more than appropriate for clear expectations and responsibilities to be set out in law. VUWSA however notice that there are significant areas of learner wellbeing and safety where the code falters in upholding and addressing. This is all raised in the code section below.

Broadly, VUWSA would like there to be greater specificity and clarity as to how each of the outcomes will be implemented by providers and what structures need to be in place to achieve such. While we agree with the principles of what each outcome seeks to achieve, there is no direction as to how and in what shape or form providers will abide by them. In any instance, we see it to be the Ministry's and

Providers responsibility to make students informed of the processes required under the new code, through clear and effective means, and if they are to utilize student associations or groups to achieve such end, they ought to compensate them. For the code to be effective, learners must be put in a position to effectively utilize the code as an accountability tool.

### ***Giving effect to Te Tiriti***

VUWSA supports any effort by the Ministry to give effect to Te Tiriti o Waitangi. However, to properly partner and engage with Māori, VUWSA believes that there needs to be greater support, coordination, and collaboration by providers with Māori Student Associations and rōpū on local campuses. In addition to Te Mana Akōnga, the national Māori Students' Association, local Māori Student Associations need to be positioned within providers own structures in a way that gives effect to them being upheld as proper Te Tiriti partners. We call for there to be requirements for Tauira Māori to have a seat at every decision making table to enable genuine partnership.

Partnering with Māori is not just about engagement, it is about empowering Tauira Māori and letting Māori lead for Māori. Empowerment requires more than providing opportunities and safe spaces for learners to kōrero in Te Reo Māori and practice tikanga in relation to supporting their connection to their identity, language and culture. It is also about decolonizing spaces through highlighting and acknowledging the effects of colonization itself. In essence, there needs to be an approach greater than diversification and inclusion of Māori. There needs to be a systemic and cultural shift.

### ***Why are the changes being proposed?***

VUWSA are appreciative that changes are being made to pastoral care but want to state that it should not have taken the tragic death of Mason Pendrous in 2019. Although the system's gaps have been narrowed through this code, we believe there are still areas of further improvement to ensure our students wellbeing and safety are not unintentionally neglected. We implore the Ministry and Government to review the Tertiary sector and its facets, noting any areas where legislation, regulations and policies are lacking.

VUWSA values the enhancements which focus on better responses, resources, training/support, protections and consistency, but we view that there needs to be more focus on empowering students to lead and be effective as partners. Changes need to do more than just identify practices or refinements. There must be changes in the culture and structure of supporting students, particularly surrounding

wellbeing and safety. Structures should not just aim for students to have a seat at the table, but to co-govern over those areas which most impact their wellbeing and safety.

### ***Proposed changes: Part 3***

#### ***Outcome 1: organisational strategic goals and plans***

VUWSA believes that to respond effectively to the needs of learner communities, systems and structures need to reflect the intersectionality and particular needs of students. Structures within providers need to be constructed in a way which also reflects the reality of the make-up of learners, and tailor their approach adequately. Recognition of the multiplicity of lived experiences and different needs can only be catered through specific and targeted structures.

#### ***Outcome 2: learner engagement and partnerships***

VUWSA firmly directs that partnership cannot be achieved through simple recognition but is about partnering with students, particularly student associations, student representative groups and student representatives on council. To give effect to this, having a student engagement framework that is co-created by students and providers can be an effective means of ensuring effective structures are in place.

To properly engage and partner with learners, VUWSA calls for providers offer Living Wage compensation to learners for their time. Students often give up their time and emotional and mental labour to contribute to discussions and projects which benefit their providers. It is incredibly difficult and inaccessible for learners to be engaged in partnerships when they are already at an overstretched capacity, with many balancing study, employment and other responsibilities. Learners are pushed to reorganize schedules or reduce workloads to contribute to these projects without burning out. We call for an inclusion of compensation for learners by providers within the Code. Additionally, providers must offer training for learners to be effective in their roles of engagement and partnership. Training as a base, ought to focus on governance, Te Tiriti, cultural competency, behaviour, and any other area that is necessary for learners to effectively engage and partner with providers.

When providers engage and partner with students, VUWSA also directs that there is to be consideration in the composition of those involved. It is tokenistic and performative for providers to only hold space for a singular student from specific equity groups, and under such circumstances, these spaces are not safe nor empowering for learners to be in. There must be a general cultural shift, one which allows equal and

equitable partnership between providers and learners, including in the mechanisms through which internal decisions are made.

### ***Outcome 3: dealing with complaints***

VUWSA believes that for providers to deal with complaints appropriately and effectively, there needs to be requirements for providers to implement provider-based complaint systems. Such systems should comprise of pathways and mechanisms for learners to safely, and seek to empower learners through clear outlines and direct communication of their existence. VUWSA suggests that resourcing and implementing independent advocacy, through incorporating them with the services provided by student associations, can serve to compliment the installment of a provider-based complaints system. Independent advocates which work as part of a student association ensures that students have support that understand the internal systems of the provider but act independently.

### ***Outcome 4: supportive organization structures***

VUWSA firmly asserts that to achieve supportive organization structures there needs to be supportive structures for student voice, particularly for student associations and representative groups on campus. Student associations are greatly underfunded and under resourced. As the representative bodies of learners, providers must work with and uplift students' associations and representative groups through appropriate funding and resourcing. There currently exists a power imbalance between learners and providers, which must be addressed through greater funding requirements on tertiary institutions to resource student voice on campus.

VUWSA also recommends that there are considerations which lead to providers establishing committees that are solely comprised of learners and focused on reviewing and developing recommendations on certain areas, such as Student Accommodation, or reforming current boards and committees to comprise of an equal and equitable number of learners to staff (as mentioned in our submission for outcome 2). Additionally, as mentioned, learners must be compensated and resourced for their time.

### ***Proposed changes: Part 4***

#### ***Outcome 5***

*Safe and inclusive learning environments*

VUWSA directs that for providers to achieve safe and inclusive learning environments, there must be an increase to the funding, resourcing, and number of support staff available for particular learner communities. It is important that universities have multiple staff members who understand the lived experience and structural disadvantage of their marginalized students. For example, a singular Rainbow and Inclusion advisor is inadequate for supporting 3,000 LGBTQIA+ learners. Numbers of support staff to learners must be proportional, as it becomes difficult for issues pertaining to particular communities to be promptly addressed when support is short. Additionally, providers must supply on-going training to staff to understand the intersectionality of a learner's backgrounds, and this comes through the form of cultural competency, Te Tiriti and diversity training.

#### *Physical and digital learning environments*

VUWSA directs that accessibility should extend beyond service provision to the digital teaching content itself. When it comes to learning environments, learner needs are different and there is an inadequate recognition of this, particularly measures which ensure the provision of dual-mode learning. There are current areas where dual learning falters, namely in supporting learners with disabilities, and there must be requirements to ensure support covers such areas.

When it comes to digital environments there must be provisions to improve technological accessibility. Many students face technological barriers due to hardship and VUWSA recommends it is outlined that providers are to assist students through the provision of technology and infrastructure. Additionally, there should be a direction for providers to create and supply spaces for learners to study and sit tests and assessments under digital learning, as well as provide further and equitable support for learners who face other barriers which restrict their ability to access technology.

Further, VUWSA directs that there must be provisions for providers to ensure that the digital learning environment they create is a safe one and considerate of learner's lived experiences. Additionally, providers should be required to guide and inform learners of internal grievance processes, particularly in the instance a digital learning environment is unsafe.

#### ***Outcome 6: academic, personal and social development of learners***

VUWSA directs that providers should be required to broaden and expand supportive training pathways and mechanisms to achieve such. We call for there be an increase in the accessibility for academic support and less stringent guidelines for accessing such. Current systems are incredibly rigid and inaccessible;

therefore, we suggest that there is a greater expansion of support which is based on compassionate grounds, particularly for students facing hardships.

With regards to the role of learners in areas of academic support, such as tutors, the current proposal lacks any direction on the measures providers need to make to ensure that the pastoral care provided is acknowledged and well supported. We recommend that there are specific additions as to the role of learners who occupy employment in areas of academic support or pastoral care.

#### **Outcome 7: promote physical and mental health awareness**

VUWSA is supportive of the intent of this outcome but would like to see more clarity and direction as to what mechanisms and structures providers need to establish to achieve the promotion of physical and mental health awareness.

#### ***Outcome 8: proactive monitoring of learners' wellbeing and safety and responsive wellbeing and safety practices***

VUWSA is supportive of the intent of this outcome but would like to see more clarity and direction as to what mechanisms and structures providers need to establish to achieve the proactive monitoring of learners' wellbeing and safety and responsive wellbeing and safety practices

#### ***Proposed changes: Part 5***

##### ***Wellbeing and safety practices in student accommodation***

VUWSA strongly asserts that the training package for accommodation staff, particularly Residential Advisors, needs to be expanded, and outlined with clear requirements. Training should be mandatory and on-going within the code. Furthermore, Te Tiriti, cultural competency, disclosure and diversity training should be outlined as requirements. Student Accommodation staff must have the necessary skillset to properly support learners under their supervision and these specific areas of training, we believe, are necessary.

VUWSA would like to see a legislated proportional number of Student Support Coordinators and parallel Student Accommodation specific support staff to residents. In some instances, current ratios are highly inadequate, with Student Support Coordinators at some institutions supporting over 1,000 residents. There needs to be a more detailed and explicit expansion of safety and security provisions at Student Accommodation. The current outline is vague and has the risk of leaving residents at harm. Certain

requirements to account for security at the accommodation, and its surrounding environments, including adequate lighting, appropriate systems, security guards, and collaboration with Local Government to resolve external risks.

In addition to providing information on house rules, VUWSA directs that there must be guidelines as to the boundaries and clarity of areas up for interpretation, such as what justifies a '*without cause welfare check*'. The current direction is unclear and there is a risk of an abuse of power.

***Proposed changes: Part 6***

***Requirements for tertiary international learners***

VUWSA believe that for the code to uphold appropriate support for the additional wellbeing and safety needs of international learners there needs to be a provision for providers to act on compassionate grounds when providing support for international learners in the event of an emergency. Greater and more equitable consideration towards the unparalleled circumstances of an international learner compared to a domestic learner must be provided. In particular, we see it appropriate for relevant staff to be trained to understand the differing needs of international students or collaborate with provider-based International Students Associations', given that the provider is appropriately supporting them.

We recommend that there is a clear direction for international offices or bodies within providers to link and direct international students to support services within their given country. VUWSA would also like to see clarity as to the health support that ought to be available for international students from provider-based secondary health services, and have it ensured that this is well communicated. For services unavailable at the provider, we believe that the code should direct the provider to support and link international learners with the appropriate health services.

***Proposed changes: Part 7***

VUWSA agrees with the changes under Part 7 and has no further comments.

### **3. DISPUTE RESOLUTION SCHEME FOR DOMESTIC TERTIARY LEARNERS**

We commend the government for its proposal to set up a dispute resolution scheme (DRS) that is independent from tertiary providers. We support the introduction of this and support the intention to broaden the scope beyond contractual and financial issues. VUWSA agrees with the creation of a student

centric dispute resolution scheme, as the current schemes are not easily accessible or understandable by tertiary learners.

*“This means the scheme can help resolve complaints related to anything in a contract between a learner and the provider (e.g. an enrolment contract or accommodation contract) or anything related to finances (e.g. course fees).”* VUWSA agrees with the expansion of the scheme to cover anything financially related. We would also push for an explicit mention and clarification regarding the schemes focus on finances in the Compulsory Student Services Fees section.

Currently, Victoria University of Wellington does not have a complaints system. All other universities we have looked at have much clearer and accessible processes for making complaints (including online forms). At Victoria, students are often very confused about how to complain. We believe that the introduction of a national dispute resolution scheme will put pressure on the university to develop a transparent complaints system.

Our experience has shown that certain internal processes, such as academic grievances, favour the university. As such, it is essential that students have an independent body to take their grievance to.

### **Scheme rules**

We have concerns surrounding the reasons under which a scheme operator may decline a dispute – notably where *‘the provider has not been given an opportunity to resolve the issue raised’*. This wording, used in the discussion document, is vague. There needs more of an outline as to what counts as an opportunity for the provider to resolve the issue.

Alternatively, VUWSA agree with the ability for the scheme operator to accept a dispute when *“...the learner’s complaint has not been acknowledged, processed, and/or addressed in a timely manner by their provider”*. Quite often, students will be left waiting for addressal to their issues over a long period of time. VUWSA is in support of this temporal safeguard, as it ensures students who are left in limbo in their own University’s internal processes, have some form of redress. We would add that the use of ‘a timely manner’ needs some additional clarification. We do not want ambiguities in the DRS mechanisms to be abused or misinterpreted by universities.

An area of concern held by VUWSA is the proposal that the scheme may not accept complaints which haven’t been taken directly to the provider first. Although allowing for a mediative approach of internal resolution is understandable, this approach fails to take into account situations in which the learner may

have already had previous separate disputes which were not dealt with adequately through the University's internal processes. Forcing these students to go through the faux-process of internal resolution with university systems that are already failing only adds to the stress and time cost of the overarching dispute resolution scheme, further disincentivizing learners from engaging with it in the first place.

### **Scheme Inclusivity**

We applaud the inclusion of learners whānau, advocates and wider iwi in representing learners through the dispute resolution process. We do believe, however, that the requirement of informed consent is vital, as it must be only with the learner's consent, and through amplifying their voice, that these representatives are included.

We also agree with the inclusion of group complaints. This collective complaint process will ensure that the process is not bogged down by multiple individual complaints and will allow learners to have whakamanatanga in undertaking complaints together.

### **Scheme Management**

Under s 536 (4) of the Education and Training Act, the Minister will have legislative authority to appoint a scheme operator. During consultation discussions with the Ministry of Education, there was the possibility raised of Universities New Zealand possibly being contracted to run the scheme. VUWSA strongly oppose the appointment of Universities New Zealand as the scheme operator. We believe that this is a direct conflict of interest and that this would not allow for adequate outcomes for our disputing learners.

### **Scheme Mechanisms**

#### *Learner Focused Approach*

VUWSA are in strong support of the DRS having mechanisms in place which help to address the power imbalance which exists between learners and their providers. However, there is a lot of mention of 'expect' within the discussion document. There needs to be stronger compliance measures than just 'expect'. Rather, compliance, and an ability to offer tikanga-based approaches must be mandated for the scheme operator to be appointed.

In addition, the note to ensuring that all learners are accommodated to allow full access and participation to the scheme is a truly desirable outcome, as we want all learners to be able to adequately engage and

use the scheme. However, where these outcomes are aimed at specific groups, for example disabled students or Taura Māori, it is critical that their voices are involved in the design and implementation of the scheme.

### *Process and Methods*

We agree with the differing methods of dispute resolution, including facilitation, mediation and adjudication. The varying methods allow further choice to learners as to which system will best suit them, further improving upon their likelihood to engage with and feel satisfied with the dispute resolution scheme. However, we would like to once again raise our concern as to who the dispute resolution scheme operator is. If the scheme operator is Universities New Zealand, then there would not only exist a strong power imbalance, but also a major conflict of interest in how these disputes are resolved and through which levels.

We also applaud the proposal of flexible processes, including undertaking the processes of the scheme in culturally relevant locations, such as marae or community halls, and co-creating timeframes. We also strongly endorse the ability for the learner to make the decision as to whether a process should be taken to an adjudication level, as this swiftly rectifies the power imbalance currently present.

### *Adjudication Remedies*

VUWSA strongly support the breadth of potential remedies which can arise from the adjudication process. In particular, the presence of non-monetary remedies, such as the requirement to change or develop new internal policies, is of great benefit to universities where specific groups are being repeatedly left out or impacted by the providers' failure to address recurring issues.

While it is beneficial that the parties can apply to the District Court to enforce an order of adjudication which is not being upheld, it is worrying that there is room left in the DRS for this to occur in the first place. This may lead to situations in which learners who have already gone through the tiring process of adjudication may not even see their adjudication decision upheld, and will now need to go through a District Court setting for it to be further implemented. This is not mana enhancing for learners and puts the burden on those learners to ensure the scheme is giving positive outcomes for those it engages. In our view this is simply not sufficient.

We would also like to add that we worry about the support given to learners throughout the court process. In our opinion, the fact that a learner will need to go through a rigorous court process, after already

undertaking adjudication, just to have that adjudication decision upheld, is a failure of the core purpose of the dispute resolution scheme. Given this is the case, we would like a clear process, facilitated by the DRS, to support the learner from the DRS to the District Court system.

#### *Data Usage and Collection*

VUWSA are considerably interested in the development of the confidentiality and information aspects of the scheme, most notably regarding adjudicators ability to decline consideration of a dispute should information not be provided by either party. We advocate for reasonable limits and processes to ensure that, where a learner does not wish to provide sensitive information due to personal trauma or similar circumstances, their complaint may still be addressed in an appropriate manner.

VUWSA are in support of the publication of disputes to allow for transparency, the setting of precedent within the DRS and to ensure learners understand what issues can be dealt with effectively through its processes. Once again, we would reiterate that this must be done in a mana-enhancing way, and that there should be an aspect of learner consent to the publication of particularly sensitive material within cases.

This brings up further concerns about the quasi-legal nature of the DRS and where its rulings sit within New Zealand law. We would like further clarification as to the power in which the DRS process has to bind providers to the decision, and more discussion as to whether this body should sit as separate, adjacent to, or part of, our court system.

#### *Process Termination*

Regarding the termination of the DRS process, we agree with the requirement that the operator must be assured there is no level of coercion when a learner is withdrawing their complaint. We agree with the need for a clear and documented process for this. We also advocate for the inclusion of clarification as to what constitutes 'good reason' in regard to a learner withholding information.

#### **Ensuring the System Works for Māori**

We agree with the range of proposals to ensure that the scheme adequately delivers for tauira Māori and their whānau. We wholeheartedly agree with ensuring that the scheme can be adequately held accountable by tauira Māori. In addition, including reporting aspects on the schemes ability to uphold Te Tiriti is highly beneficial as a tool of ensuring compliance with our guiding national document.

It is worth reiterating that any changes or developments of the system to better support Māori must be designed alongside taurira Māori.

### **Accessibility**

*Facilitators, mediators, adjudicators.*

VUWSA agree with the requirement of the scheme operator to consider any request made by the learner about the gender and background of the facilitator, mediator, or adjudicator. We believe this will allow for greater engagement with these processes and allow a safe atmosphere for learners who are dealing with particularly sensitive issues. We also agree with the usage of certified mediators with the correct level of qualifications, experience, and background to deliver appropriately.

*Learner Support*

We strongly agree with ensuring the scheme is free for learners to engage with. This will once again lower the barriers to accessing and using this scheme and allow learners to adequately engage with the scheme. The use of oral complaints is highly beneficial, and we would also advocate for complaints to be permitted to be made in other languages to allow maximum accessibility. The proposal to provide interpretation and language support is highly beneficial.

*Annual Report*

We strongly agree with the annual report and monitoring aspects. We are particularly supportive of the consistency with Te Tiriti and the publication of the report in Te Reo. We also agree with the information included in the report, including the learner complainant demographics.

### **Next Steps and Timeline for Change**

There is discussion of running a targeted engagement on the Parliamentary Counsel Office's drafted rules. While we strongly agree with the direct engagement, we would like to stress that a requirement should be made that the PCO engage with Student's Association's, taurira Māori rōpū, and other student groups on campus to gain genuine student feedback on the PCO drafted rules.

### **Provision of Advocacy Services**

It is vitally important that students are supported through any complaints process. We believe Student Associations are ideally placed to support students through an independent complaints process, and as

such we ask for the Ministry to investigate partnering with Students' Associations to fund and further resource their advocacy services in support of the DRS.

#### **4. PROPOSED LAW CHANGES**

VUWSA agree with the overall purpose of the proposed law changes, particularly around the renewed focus on tertiary learner safety.

##### ***Proposal 1: Amendment of Sections 534(1) and (2) to focus on learner wellbeing and safety***

We agree with the focus on further clarification and emphasis as to the aspects of wellbeing and safety within the code. We do note that the term 'pastoral care' does contain some overt tones of paternalism, and that safety and wellbeing presents a generally more palatable term.

We agree with the inclusion of the term 'safety', as there has been considerable issues with learner safety in the past in student accommodation and on university campuses. VUWSA is also in support of creating a singular purpose statement for both international and domestic tertiary students in the realm of safety and wellbeing. We believe that the creation of this common purpose statement will reduce costs to the provider, and therefore reduce those costs being pushed onto students.

##### ***Proposal 2: Clarification in the law regarding Te Tiriti compliance and Māori consultation***

We believe that both the Code Administrator and the DRS Operator should support Parliament's broader expectations set out in section 4 (d) of the Education and Training Act 2020 (the Act). At this point, there are no legislated expectations for either of these roles to honour Te Tiriti obligations. This is frankly not good enough. Something must be done to mandate the roles' obligations to honour Te Tiriti, to a stronger extent than just 'expecting' them to do it.

If the code administrator was not set to be NZQA, which is covered by the Education and Training Act 2020 and the public service expectations of honoring Te Tiriti, the chosen third party must have adequate compliance procedures to uphold and whakamana Te Tiriti. This extends to both the iStudent Complaints operator, and the domestic DRS operator if they are not government agencies.

VUWSA believe that section 4 (c) of the Act should be given proper effect. This includes adding Māori, iwi, hāpu, and whānau to the list of those whom the minister must consult with before issuing a code. In addition, we also agree that any external body which is delegated the role of code administrator, regardless of whether they are part of the Crown or not, should share the responsibility to honour Te Tiriti

and support Māori-Crown relationships. The responsibility for consultation should also extend to working with taura Māori and engaging with Māori rōpū on campuses.

***Proposal 3: Amendment of Code to better enable the administrator's functions, powers, and duties.***

We agree with the overarching changes, including requiring the Minister to approve the code administrators plan, ensuring the administrator has sufficient mandate, and providing for regular reports from the administrator.

We do understand some of the concerns regarding a serious increase in workload if the Minister was required to approve the code administrators plan. However, we believe that the tradeoff is greater transparency, and better direction, both of which give all learners more faith that their education system is both worth investing in and developing in beneficial and effective ways.

Regarding the possibility of the Ministerial exemptions from specific sections of the code, VUWSA are of the opinion that an overuse of exemptions early on in the code's development could set a poor precedent going forward with minimising provider responsibilities. Any exemptions must be reasonably thought through and done in the best interest of the learner. Whilst flexibility and a tailored approach is good, we do not want this to be at the expense of the code's overall validity.

In the interest of transparency and continuous system improvement, we agree with the proposal to have annual code reports from the code administrator to the Minister.

***Proposal 4: Modernise and update the law regarding the code administrator***

VUWSA are in agreement with the provision of quality improvement and compliance notices. In particular, the publishing of information regarding issuing of notices and actions taken by providers would go a long way to address the current lack of transparency within the tertiary education system. The extension of the range of sanctions would also allow for more areas of change within this system, by giving consequences for significant breaches within a number of safety and wellbeing related fields.

Giving the Minister the power to make minor and technical changes to the code is, in VUWSA's opinion, in the best interest of empowering an up-to-date and flexible code. The examination from the Regulations Review Committee would also stand as a strong safeguard to ensure changes are still legally valid.

The idea of tailored codes presents an opportunity to supply specific levels of wellbeing and safety care for the different types of learning providers within New Zealand. While VUWSA is interested in exploring

this idea further, and agree with this tailored code approaches, we would like reassurance that the different requirements are both fair and proportionate. There should be clarity in how these sub-codes are applied, in such a way that they can be easily engaged with by students.

***Proposal 5: Increases the Dispute Resolution Scheme claim cap to \$350,000***

While VUWSA approve of the opportunity for students to gain more financial redress, we are also interested in gaining further explanation as to why this is replicating the District Court threshold initially. VUWSA further hold that there should be consideration for exemplary damages to be available under the scheme in the instance that there is a gross failure on the part of the provider

***Proposal 6: Broadening the Scope and Impact of the Dispute Resolution Scheme***

VUWSA agree with a broader scope of effect for the Dispute Resolution Scheme, particularly around the dispute resolution scheme now having the ability to award learners monetary and non-monetary forms of redress from breaches of the code of contractual disputes. Our named concern is that this may lead to providers, who may need to hire more legal counsel, pushing the cost back onto students.

Once again, we would like to raise the concern that learners run the risk of not be adequately supported moving from the adjudication system to the District Court system when a provider has not paid the adjudicated redress within the allotted time.

***Proposal 7: Clear Process for Appointing Dispute Resolution Scheme Operator***

VUWSA agree with having a clear process and specific criteria through which the Dispute Resolution Scheme operator can be appointed. We would advocate for these criteria to include a proven ability to work effectively in dispute resolution within the education sector, and a comprehensive understanding of bringing affect to Te Tiriti.

***Proposal 8: Outline of Issues the DRS must report on***

We agree that the law should lay out a clear outline as to which issues the Dispute Resolution Scheme must report on. We also agree with the level of detailed information to be provided within these reports.

***Proposal 10: Information sharing between Dispute Resolution Scheme operator, code administrator and quality assurance regulator***

We have no serious concerns about the proposal to share information between these three roles. We would firmly expect that all sharing of information is in line with the Privacy Act and adequately protects the privacy of learners.

***Proposal 11: Ombudsman jurisdiction***

VUWSA agree with this proposal with no further comment.

***Proposal 12: Minister Approval and gazetting of expectations***

It is important that there is adequate information provided to all learners around their enrolment forms/contracts, and VUWSA are of the opinion that the Minister must ensure this information provision is facilitated at an adequate level. We believe that a minimum standard and level of expectations is required for providers to reach when supplying information regarding enrollment and contractual measures.

## **5. CONSULTATION**

VUWSA would like to acknowledge the extent to which the Ministry have attempted to make their consultation accessible. However, more could have been done to make the consultation process easier for learners, who we perceive to be the main stakeholder.

The discussion document was not summarized to a great extent and took a notable amount of time to understand and read. The information was not presented in a digestible manner and supplementary resources with less information, we believe did not fully portray the gravity of the new code and the implications of the changes proposed. Consequently, it was up to external organisations, indirectly involved with the Ministry to further clarify areas. For groups who were unable to attain such help it would have been difficult them to engage with the consultation process.

We believe that more work can be done from the Ministry's end in proactively liaising and collaborating with a broader range of learners, outside of the national representative organisations, to support them in gathering valuable viewpoints and perspectives. The success and engagement brought forward from the VUWSA-run consultation hui on Kelburn Campus is an example of how further engagements with our students could have run. We deeply appreciate the Ministry coming onto our campus, and believe that

more proactive arrangements of collaboration would have been to the great benefit of this proposed codes consultation.

Furthermore, better liaising between local governmental bodies and the Ministry would also ensure that submissions are more adequately spaced to allow learners to submit. Given the number of Wellington focused consultation periods going on at this current time, greater collaboration with VUWSA would have allowed us to better engage with our members who are consulting whilst studying, working, and holding other commitments.

## **6. CONCLUSION**

VUWSA believes there is still significant room for improvement in the delivery of pastoral care in our tertiary education system. We urge the Ministry to take on our views and recommendations, as outlined above, alongside those of other students' associations and representative groups. Students' voices must be at the forefront of these changes, and be adequately represented in any further developments to Te Oranga me te Haumarū Ākonga.