

Le Cordon Bleu New Zealand Quality Management System (QMS) Student Support, Rights & Wellbeing Policies

Compiled Document

(Policies renumbered sequentially, starting from Policy 23)

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Policy 23: Student Support Policy

Student Support Policy

Purpose and scope

LCBNZ aims to ensure that every student has access to guidance and support at all times prior to and during their enrolment into a programme.

Policy Statements

Quality learning environments nurture and support students to participate fully and effectively and be successful in their studies.

A range of services is offered to support student wellbeing and success. Students are informed about support services available on and off campus.

Students are assisted to access the support in order to be successful in their study.

Students seeking support are shown empathy and respect.

Career guidance is available, and students are encouraged to prepare for employment.

LCBNZ acknowledges and complies with the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021

Responsibility

Students acknowledge their needs and ask for support as required.

Academic staff members maintain current information on student support services and encourage their students to access the services as appropriate.

Student support teams evaluate their service in collaboration with LCBNZ to ensure the delivery of professional, student-centred, integrated support services.

LCBNZ staff promote student support services to students and staff and utilise feedback in on-going self-evaluation and improvement processes.

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LCBNZ provides leadership and direction for support services and allocates sufficient resources to enable the services and facilities to be current, equitable and effective.

Related Legislation

Education Act 1989 s227

Related Documents

Support Process Flowchart

New Zealand – Education (Pastoral Care of Tertiary and International Learners)
Code of Practice 2021

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Policy 24: Student Rights and Responsibilities Policy

Purpose

LCBNZ promotes lifelong learning and is committed to working with students to provide a quality educational experience. This policy sets out the rights and responsibilities of students to support their own learning and to maintain a safe learning environment.

The Regulations are consistent with current legislation.

Scope

These regulations apply to all students enrolled at LCBNZ participating in any course related activities, and any other student activity or conduct which could impact on the institutions' operations or reputation.

When required, disciplinary action is intended to be primarily educative and then to discourage recurrence. LCBNZ reserves the right to address any specific situation as is considered appropriate.

Student Rights

Students have the right to:

- competent, professional and effective teaching
- current and relevant teaching content
- regular, prompt and constructive feedback
- fair, valid and reliable assessment
- a consistent learning experience with a reasonable workload
- opportunity to give feedback on the teaching, programme and student experience
- be treated with fairness, dignity and respect by staff and other students in accordance with the principles of te Tiriti o Waitangi and natural justice. A safe, secure and inclusive environment in which all staff and students can flourish and be valued
- freedom from intimidation, violence, bullying, cyber-bullying, unreasonable disruption, unlawful discrimination, or any harassment

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- trustworthy handling and retention of personal confidential information while on campus or while engaged in institutional activities
- access to appropriate and sufficient learning spaces and resources
- access to appropriate academic, health, welfare, cultural and pastoral support
- a safe, clean and healthy working environment
- access to Regulations and Procedures that affect students, including those for dealing with student concerns and complaints, at the commencement of their studies
- access to their student record.

Student Responsibilities

All students at LCBNZ (whether on LCBNZ premises or at an LCBNZ activity off campus) are expected to behave at all times in a professional and lawful manner.

Without limiting the previous statement students are required:

- to observe all LCBNZ health and safety rules
- to treat all people (whilst on LCBNZ premises or at an LCBNZ activity off campus), including LCBNZ staff and students in a lawful manner and with respect and consideration
- to attend LCBNZ course activities and tuition without the influence of alcohol and/or unlawful substances
- to take reasonable care not to damage or destroy LCBNZ resources and to use all LCBNZ resources in accordance with LCBNZ's directions
- not to take any food stuffs from LCBNZ stores without the express permission of their lecturer
- not to harass any person whilst on LCBNZ premises or at an LCBNZ activity off campus
- not to discriminate against any person in a way which is unlawful
- to act in a manner that maintains the well-being of self and other staff and students at LCBNZ.

Information and Communication Technology (ICT)

Ensure activities on their own network accounts meet the standards of conduct appropriate to an educational institution.

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Use their network accounts or permitted institution systems or hardware exclusively for their own use; they must not:

- copy, modify or install software without authority
- infringe copyright regulations or any intellectual property
- access, obtain, alter, add or erase data without proper authority
- disable or make unusable institution-owned ICT equipment or software
- incur cost to the institution or anyone else, except where prior express authority is obtained
- use electronic or online communication such as email, video conference, instant messaging, learning management systems such as Moodle, other collaboration tools or social media (including but not limited to Twitter, Facebook and other internet functions or sites) in a manner which:
- brings or is likely to bring the institution into disrepute
- breaches the Harmful Digital Communications Act 2015 (such as cyber bullying, or harassment)
- access, store, view, publish or distribute material, which is objectionable, or offensive or otherwise inappropriate in an educational institute
- permit anyone else to use their network accounts or any institution system or hardware

Related Legislation

The relevant legislation includes the following (together with any amendments or re-enactments):

Treaty of Waitangi Act 1975

Misuse of Drugs Act 1975

Sale of Liquor Act 2012

Education Act 1989

New Zealand Bill of Rights Act 1990

Health and Safety at Work Act 2015

Film, Videos and Publication Classification Act 1993

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Human Rights Act 1993

Privacy Act 1993

Copyright Act 1994

Harassment Act 1997

Copyright Infringement File Sharing Amendment Act 2011

Harmful Digital Communications Act 2015.

Related Policies

Academic Integrity Policy

Student Conduct Policy

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Policy 25: Student Concerns and Complaints Procedures

Purpose

These procedures:

address concerns and complaints from students involving staff, other students and institution processes, not covered by other procedures.

In the context of these procedures the following definitions apply:

- concern – Matter best resolved by direct or informal contact with the person/people involved
- complaint – Notification received in writing of a situation where the complainant considers that they have been directly or significantly adversely impacted; requires a formal process of resolution.

Principles for Concerns and Complaints

Information about how the institution welcomes and manages feedback and complaints is widely available in different formats.

Complaints about a harmful digital communication are managed in compliance with section 24 of the Harmful Digital Communications Act 2015.

All parties are treated fairly and in accordance with the principles of natural justice.

Concerns are resolved informally at the lowest possible level and with those directly involved wherever possible.

Concerns and complaints are resolved as quickly as possible.

Students have the right to seek independent advice.

Personal information related to concerns or complaints is confidential and is only disclosed to those directly involved on a ‘need to know’ basis.

The respondent is given all relevant information regarding a complaint, an opportunity to prepare and present evidence, and to respond to the information provided.

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All parties may use a support person during the process.

All parties to the complaint are kept fully informed of their rights and obligations under this process and of the progress of the complaint.

Students follow relevant institution procedures in the first instance. If the outcome of the procedure is unsatisfactory, students refer to NZQA's 'complaint about a provider' page for further options.

Concerns

Students are strongly encouraged to discuss their concerns directly with the relevant staff member or student.

Students may seek advice from support staff, including a student advocacy service. These people can provide information and support in the resolution process.

When a student approaches a staff member with a concern, the staff member:

- responds in an open and professional manner
- clarifies the outcome the student is seeking
- takes steps to have the concern resolved as quickly as possible

communicates the outcome to the student.

If the concern is not resolved, the student or staff member, with the student's consent, may raise it with a relevant manager who follows the steps above.

Students are advised of the complaints procedures and may escalate their concern to a complaint if the concern is not satisfactorily resolved.

Complaints

Where the Concerns process above has not been effective in resolving a concern, or where a student chooses to make a complaint in the first instance, the process below is followed.

Students are encouraged to seek independent advice and advocacy; this may be from academic and support staff, which may include a student advocacy service. The institution's contracted counselling services are also available. These people can provide information and support in the resolution process.

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Students submit their complaint in writing including the following:

- name and contact details
- programme or course
- description of issue
- supporting evidence
- details of attempt/s, if any, to resolve the concern informally
- preferred outcome
- signature and date of signing, or submitted using the student's registered email address.

The institution reserves the right not to proceed with a complaint:

- which is anonymous or based on hearsay
- which is made more than ninety (90) days after the alleged incident/issue
- where no response is received from the complainant within ninety (90) days of the institution communicating with the complainant.

Complaints are submitted to one of the following (hereafter called 'the manager'):

General Manager/Programme/Technical Director or Head of School for complaint about a student, staff member or institution process

Where there is a conflict of interest, the manager refers the complaint to their manager.

The manager, within two (2) working days of receiving the complaint:

- takes ownership of the complaint, or refers it to another relevant manager, or delegates management of the complaint where appropriate
- acknowledges in writing the receipt of the complaint and, if it has been referred, identifies the manager concerned
- ensures all parties involved have access to a copy of these Procedures.

Within five (5) working days of the meeting/s and after consideration of other evidence, the manager makes a decision to uphold or not uphold the complaint.

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The manager interviews the parties to the complaint within ten (10) working days of receipt of the complaint. The parties may be interviewed separately or together, as appropriate. Any of the parties may bring a support person to the interview or meeting.

All parties invited to a meeting/interview are notified of the date, location and names of attendees. They are encouraged to bring a support person to the meeting.

Where all parties agree, a third party may provide formal mediation.

The manager submits the decision in writing to their manager for approval before sending it to all parties, so that the student receives the decision within 15 working days of the institution having received the complaint.

Where an extension of time is needed the student is kept informed.

Appeal

A student may appeal within ten (10) working days of notification of the decision arising from the complaint.

Grounds for appeal are that procedure has not been followed or includes the presentation of new material.

External Complaints Procedure

Information about how to make an external complaint is widely available in different formats.

If the internal appeals procedure has not resolved the complaint, and the student still wishes to pursue it, they are informed to contact NZQA for an independent assessment of the complaint.

If it is a financial or contractual dispute advice is given to contact Fairway Resolution.

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Policy 26: Anti-Bullying & Harassment Policy

Purpose & Scope

LCBNZ is committed to ensuring a healthy and safe place of work and study, with a culture of dignity and respect where people are free from bullying and harassment. LCBNZ take legal and moral obligations in this respect seriously and will not tolerate bullying, or harassment at any level of the organisation.

This policy covers all bullying, harassment (including Sexual) and discriminatory behaviours as defined below:

- in the workplace during and/or outside work hours (including behaviours between
- colleagues/work associates in social or professional work situations, for example, during
- work events such as training, conferences, social work-related functions); and/or
- outside the workplace and outside work hours if it is in the context of the employment
- relationship and/or affects or is related to the workplace (for example, conduct in social
- media or email or text messaging).

This policy applies to any person undertaking work, studies or duties on behalf of, or under the guidance of LCBNZ. This includes but is not limited to staff, students and contractors.

Digital Communication and Social Media

LCBNZ recognise that not all bullying or harassment takes place face-to-face. Digital communication includes any form of electronic message, including texts, emails, posts on social media, photos and recordings. Harmful digital communications include cyber-bullying and harassment, e.g.

- sending or publishing threatening or offensive material
- spreading damaging rumours

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- sending or publishing sensitive personal information, e.g., embarrassing photos or videos.

LCBNZ take seriously the obligations under the Harmful Digital Communications Act 2015 (HDCA) and expect all staff members and students to treat others with respect when using digital communication and social media.

LCBNZ will endeavour to:

- prevent bullying, and harassment by making staff and students aware of this policy
- respond promptly, appropriately and fairly to any complaints that are brought to its attention
- ensure employees are aware of LCBNZ's commitment to anti-bullying and harassment principles through induction and staff meetings.

Key Roles & Expectations

The following roles have key responsibilities:

All Staff and students

- are responsible for adhering to this policy and are aware of the process for raising concerns and/or complaints
- are encouraged to promote and maintain a respectful and inclusive culture, recognising that LCBNZ's students and staff are from diverse backgrounds
- know their rights and responsibilities and know where they can seek help, in relation to this and other related policies.

Student Representatives

- are responsible for ensuring students are aware of key policies, and the forums available to them should they wish to raise concerns
- assist in creating a culture of change and encouraging students to look out for each other.

Managers

Ensure their team are committed to this policy, being aware of obligations under any applicable diversity and:

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- inclusion strategy or initiatives
- are aware of LCBNZ's obligations under the Human Rights Act 1993
- monitor their team's compliance with this policy
- provide tools and support for the monitoring and measurement of staff wellbeing under this policy
- provide Professional Development that supports anti-bullying, harassment and discrimination
- ensure that Safety and Wellbeing staff and mental health first aid responders are skilled and capable to support, educate and promote this policy
- conducting an annual assessment of this policy, the objectives and progress made toward achieving them.

Raising a Concern

LCBNZ provide a range of options and processes for people to speak up and bring concerns, allegations and complaints in relation to bullying and/or harassment; regardless of whether the person(s) are directly affected or have witnessed bullying or harassment. Issues will be resolved at the most appropriate level of intervention, subject to the rights of the Complainant and the Respondent.

Where possible, LCBNZ promote the resolution of issues at the lowest appropriate level of intervention as this may sometimes be the fastest and most effective way of dealing with inappropriate behaviour, particularly for issues that are perceived as 'minor' (for example, behaviours that do not cause the complainant to feel unsafe, or seriously harmed, threatened or intimidated).

It is recognised that persons may find it difficult or embarrassing to instigate a complaint of bullying and/or harassment. A support person can always be invited to be present. This also applies to staff and students when accessing counselling services.

Self help

It is often sufficient for a complainant to approach the alleged offender directly, in person or in writing, and:

- identify the language or behaviour that has given offence,
- state that the language or behaviour is unwelcome and offensive,
- seek an assurance that it will not be repeated.

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If the complainant and the offender speak directly, it may be appropriate for the complainant to be accompanied by a support person or a manager. Informal resolution through direct communication is the preferred first step, although that will not always be appropriate or practical. The objective is to bring the unwelcome and offensive nature of the language or behaviour to the attention of the person responsible for it. In many cases, this will be enough to stop the unwelcome behaviour.

An apology, with an assurance that there will be no repetition, may be an appropriate resolution.

If a complaint cannot be resolved directly, or a complainant is not comfortable raising the matter directly, the individual should seek help from a support person or a manager. When a request for an informal intervention is made, the request must be acted on quickly, discreetly and fairly. All discussions and any investigations must be conducted in confidence.

The aim of this informal intervention is to ensure that the alleged harasser becomes aware of, and understands the effect of, the language or behaviour on the complainant. The intervenor should seek an undertaking that the language or behaviour will not be repeated. There may also be an apology to the complainant.

Mediation

In some situations, arranging for a complainant and respondent to discuss the complaint with a skilled mediator may be an appropriate way to address the issue. Both parties need to agree to mediation. Mediation is not always appropriate to resolve behaviour issues, particularly if there is a power imbalance. Mediation may be suitable where:

- there is basic agreement on the facts
- both parties agree to try to resolve the situation through this method
- the harassment is of a low level and serious disciplinary consequences do not appear warranted.
- If a complainant and the respondent cannot resolve the complaint through mediation, then formal options are available.

Formal Approach

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If a person has been unable to achieve a resolution through the informal approach, or circumstances are such that resolution through the informal approach would be inappropriate due to the nature or seriousness of the complaint, LCBNZ will follow the formal approach set out in the Concerns and Complaints Procedures.

Complaint to Human Rights Commission

A person may take a complaint of sexual harassment directly to the Human Rights Commission under the Human Rights Act 1993. A complaint to the Commission is an alternative to a personal grievance under the Employment Relations Act.

Related Legislation, and Procedures

Legislation/Regulations Policies Guidelines/Forms

Human Rights Act 1993

Employment Relations Act 2000

New Zealand Bill of Rights Act 1990

Treaty of Waitangi

State Sector Act 1988

Equal Pay Act 1972

Health and Safety at Work Act 2015

Harassment Act 1997

Crimes Act 1961

Protected Disclosures Act 2000

Harmful Digital Communications Act 2015

Privacy Act 1993

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Concerns and Complaints Procedures

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Policy 27: Student Disciplinary Procedures

Purpose

Le Cordon Bleu New Zealand (LCBNZ) is committed to providing a safe and positive learning environment for students, staff and visitors.

These procedures provide a process for receiving and addressing allegations of student misconduct.

Conduct in digital forums is governed by Section 24 of the Harmful Digital Communications Act 2015. Procedures for managing breaches are outlined in the student concerns and complaints procedures.

This policy applies to all students enrolled at LCBNZ who are not members of staff at LCBNZ in respect of any matter that may be a disciplinary matter of a non-academic nature.

Misconduct

If any student (whether on LCBNZ premises or at an LCBNZ activity off campus) behaves in any manner, whether or not in relation to any person and/or any property, which may in the reasonable opinion of any LCBNZ staff member constitute a breach of discipline (which is non-academic) or if LCBNZ receives a written complaint from any person, including another LCBNZ student, pertaining to behaviour of a LCBNZ student that may require discipline, then this policy shall apply.

If the misconduct relates to a staff member then the matter is solely within the jurisdiction of the General Manager as employer and is dealt with pursuant to employment law and employment agreements.

Definitions

Student Concerned means the student to whom a written complaint received by LCBNZ pertains or from whom a LCBNZ staff member has observed behaviour that the staff member reasonably believes to be a breach of discipline.

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LCBNZ Resources means all property supplied by Le Cordon Bleu New Zealand (whether owned or leased by LCBNZ) including, but not limited to, buildings, furniture, equipment, books, etc.

Student Conduct

All students at Le Cordon Bleu New Zealand (whether on LCBNZ premises or at an LCBNZ activity off campus) are expected and required to behave at all times in a reasonable and lawful manner in the circumstances.

Without limiting 1, students are required to:

- observe all LCBNZ health and safety rules.
- treat all people (whilst on LCBNZ premises or at an LCBNZ activity off campus), including LCBNZ staff and students, in a lawful manner in the circumstances and with respect and consideration.
- attend LCBNZ programme activities and tuition without the influence of alcohol and/or unlawful substances.
- take reasonable care not to damage or destroy LCBNZ resources and to use all LCBNZ resources in accordance with LCBNZ's directions.
- not harass any person whilst on LCBNZ premises or at an LCBNZ activity off campus.
- not discriminate against any person in a way that is unlawful.
- act in a manner that maintains the well-being of that student and other staff and students at LCBNZ.

Procedure

At any time either as a result of:

- a written complaint by any person, including another student at LCBNZ; or
- an observation by a LCBNZ staff member, discipline procedures may be invoked in respect of behaviour by a LCBNZ student in contravention of 1 and 2 of this procedure.

Observations by Le Cordon Bleu New Zealand Staff Members

If an LCBNZ staff member observes behaviour by a student that the staff member concerned reasonably believes to be in contravention of Sections 1 and 2 of this

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procedure, the LCBNZ staff member discuss the observation with the student, unless in the staff member's sole opinion Section 8 applies.

That staff member must put their specific concern(s) to the student and give the student the opportunity to state his/her view of the facts and provide any explanation.

If the matter is resolved to the staff member's satisfaction no further action is be taken.

If the matter is not resolved to the satisfaction of the staff member concerned then Sections 8 to 13 of this Statute shall apply.

Written Complaints

Unless Section 13 of this Statute applies, any written complaint received by LCBNZ that pertains to an LCBNZ student's behaviour in contravention of Sections 1 and 2 shall be referred immediately to the Head of School.

Sections 8 to 13 (inclusive) of this procedure also applies if a matter arises and is not resolved pursuant to Sections 4 to 7.

On receipt of a written complaint in accordance with Section 8, or if a matter arises and is not resolved pursuant to Sections 4 to 7, the Head of School and/or the Programme/Technical Director convenes a meeting with the student and any other person considered desirable. The student is notified in writing that a meeting is required and is advised:

- as to the subject matter of the meeting (including particulars of the alleged breach of discipline); and
- that the student is entitled to have a support person present at the meeting; and
- that the student is given an opportunity to be heard, and an opportunity to state his/her view of the facts and to give any explanation.

At a meeting convened in accordance with Section 10, the student may be issued with a written warning which specifies the area of undesirable behaviour, the improvement required and the consequences if there is no improvement or if the behaviour is repeated.

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Notwithstanding the provisions of Section 11, the Head of School and/or the Programme/Technical Director may, without issuing a written warning pursuant to Section 11, place a student on probation.

Nothing in Sections 4 to 7 or Sections 8 to 12 shall apply if the Head of School and/or Programme/Technical Director considers that the matter may be of such a grave nature as to warrant the immediate involvement of the General Manager and shall refer the matter to the General Manager.

Referral to the General Manager

In respect of matters referred to the General Manager in accordance with Section 13 the General Manager, after giving the student the opportunity to be heard, may:

- admonish the student; and/or
- impose a probation period or confirm probation; and/or
- suspend the student from attendance at LCBNZ for a stipulated period; and/or
- impose limitation or prohibition on attendance at any class or classes at LCBNZ for a stipulated period; or
- by delegated authority, cancel the enrolment of the student at LCBNZ; or
- do nothing.

The imposition of one or more penalties in Section 14 is without limitation to the LCBNZ's rights at law.

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Policy 28: International and Domestic students: Pastoral Care Policy

Purpose

The purpose of this policy is to ensure all employees of LCBNZ are aware of the legislative requirements that accompany the enrolment of International and Domestic Students and ensure that the responsibilities with regard to adequate care and support during the period of the Students' enrolment are highlighted and adhered to.

Scope

This policy applies to all employees of LCBNZ and students, and refers to the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021

Policy

LCBNZ recognises the benefits of attracting International Students from a wide range of countries in enhancing the cultural richness of LCBNZ and helping to create an environment of cultural awareness and sensitivity.

LCBNZ has agreed to observe and be bound by the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021.

Information regarding the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 is available to staff. Copies of the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 are available from the New Zealand legislation website at

LCBNZ monitors and support the conditions under which an International Student obtains a student visa via the New Zealand Immigration Service.

Enrolment

International Students are only enrolled in approved programmes.

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International Students enrolled in programmes must comply with all statutory requirements.

International Students must hold Entry Qualifications which are relevant to the programme they are applying for. If the student does not hold the relevant entry requirements a suitable stair-casing option is presented to them.

International students should arrive at least one week before the advertised start date for their course of study.

Any requests from International students to be allowed to start later than this must have the approval of the Programme/Technical Director.

International students must provide evidence that they meet LCBNZ's requirements for English competence outlined in programme documentation.

Student Support

Systems for the pastoral care of International Students assist LCBNZ must meet the requirements of The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021. All international students are provided with an appropriate orientation and induction programme as well as access to on-going learning support for the duration of their studies.

Student Accommodation

LCBNZ recognises that it is important that international students have a suitable living environment conducive to study and that international students are assisted with integration into the NZ lifestyle. It is also important that parents are given some assurance that the student is well cared for and happy in NZ.

In accordance with the The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 LCBNZ advises the Code administrator of any serious concerns relating to accommodation for students under 18 years of age.

LCBNZ has assessment processes in place for hostel and homestay accommodation and refers students to this type of accommodation in the first instance. The outcome of any assessment is be made available to international students.

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LCBNZ provides advice and assistance about other forms of accommodation such as private rental properties and makes it clear that no assessment of the suitability of the accommodation has been made.

LCNZI takes no responsibility for accommodation sourced independently by students over 18 years of age.

Attendance and Performance

LCBNZ acknowledges that monitoring of attendance and performance assists with ensuring the safety and academic performance of International Students. All staff involved in programme delivery are required to be aware of and comply with International Student Attendance and Performance Monitoring procedures.

Evaluation of Programmes

LCBNZ provides regular and systematic opportunities for international students to evaluate LCBNZ programmes and support services. Areas of concern identified are addressed promptly.

Student Complaints

International Student complaints are addressed under LCBNZ's Student Concerns and Complaints Procedures.

Performance Review

LCBNZ undertakes an annual review of compliance with The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021.

Responsibility

The implementation and operation of this policy is the responsibility of the General Manager, Sales and Marketing and Admissions staff, Programme/Technical Director/Head of School, Admissions Officer, Pastoral Care staff and all staff involved in programme delivery.

Changes to this Policy

This policy is subject to change at the discretion of the General Manager.

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Related Legislation

Immigration Act 2009

Education Act 1989

Related Policy

Student Entry Policy

Student Enrolment Policy

Student Concerns and Complaints Policy

Related Documents

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

LCBNZ Prospectus

Student Enrolment Procedure

Student Concerns and Complaints Procedures

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