Self-review Toolkit for Tertiary Education Providers

Tool A: gap analysis

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



Learner Wellbeing and Safety



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Tool A: gap analysis

This optional tool sets out the areas of practice you need to review to check your compliance with the Code.

You can use this tool to help you:

- **Prepare** for a gap analysis, by identifying the information you need to evidence your compliance with the Code at each clause
- **Make sense** of your gathered information, by noting any gaps in your current practice and/or evidence of current practice.

KEY	
COMPLIANT	 We have the required practices in place We have sufficient evidence on which to make judgements about the effectiveness of our practices
GAP (in evidence)	 We have the required practices in place but we have limited evidence on which to make judgements about the effectiveness of those practices
GAP (in practice)	We do not have the required practices in place

If you are a provider with student accommodation or Code signatory, you can **insert additional** pages into this tool relating to **Student Accommodation** (Outcomes 5-7) and/or International Learners (Outcomes 8-12) after Outcome 4.

Use the links below to download any additional pages as required:

- Student Accommodation
- International Tertiary Learners

Organisational structures to support a whole-of-provider approach to learner wellbeing and safety

Outcome 1: A learner wellbeing and safety system

Providers must take a whole-of-provider approach to maintain a strategic and transparent learner wellbeing and safety system that responds to the diverse needs of their learners.

Phase in	the gap analysis process:	PREPARE	MAKE SENS	E	
Key req	uired processes	Information we can gather to use as evidence of our compliance with this clause	COMPLIANT	GAP (in evidence)	GAP (in practice)
Clause 7 Providers supporting their orga	1: Strategic goals and strategic plans 7 (1). 5 must have strategic goals and strategic plans for any the wellbeing and safety of their learners across anisation, including student accommodation, go how they will — give effect to the outcomes sought and processes required by this code; and	Health, Safety and Wellbeing Policy Mental Health Safety Policy Process for students at risk including NMT weekly reporting of students at risk. Disability Policy Clinical psychologists employed/contracted as staff Mentoring panel offered FrontTier services offered Profs course content includes stress management techniques	Compliant review of policies completed		
(b)	contribute to an education system that honours Te Tiriti o Waitangi and supports Māori–Crown relations.	PLSC students are able to undertake their assessments in Te Reo Māori.			Draft policy created and circulated for consultation.

	Te Reo Māori assessment courses offered.	Final policy to be developed in line with the feedback gained for Board approval.
Clause 7 (2).	Review of policies to be	
Providers must –	undertaken every 12 months	
 (a) regularly review their learner wellbeing and safety strategic goals and strategic plans as described in subclause (1); and 		
(b) make amendments to their learner wellbeing and safety strategic goals and strategic plans within a reasonable timeframe following the review.		
Clause 7 (3). Providers must work proactively with learners and stakeholders (and document this work) when — (a) developing their learner wellbeing and safety strategic goals and strategic plans described in subclause (1); and	Psychotherapists as part of the College group are included in the development of systems and processes around student wellbeing.	Anonymous survey offered to those who have been offered mental health support.
(b) reviewing their learner wellbeing and safety strategic goals and strategic plans described in subclause (2).		

Process 2: Self review of learner wellbeing and safety practices		
Clause 8 (1). Providers must use strategic goals and strategic plans described in clause 7(1) to regularly review the quality of their learner wellbeing and safety practices to achieve the outcomes and practices of this code, at a frequency or by a date determined by the code administrator.		
Clause 8 (2). Providers must review their learner wellbeing and safety practices using — (a) input from diverse learners and other stakeholders; and		Question on learner wellbeing and safety to be included in end of course evaluation.
(b) relevant quantitative and qualitative data (including from learner complaints) that is, as far as practicable, and consistent with the provider's obligations under current privacy legislation, disaggregated by diverse learner groups.		evaluations
Clause 8 (3). Providers must, in a timely manner, following a review described in subclauses (1) and (2) take appropriate action to address any deficiencies in learner wellbeing and safety practices.		

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Process 3: Publication requirements			
Clause 9. Providers must make the following information readily available, in accessible formats, to learners, staff and the general public, including on their websites (where available) –			
 (a) strategic goals and strategic plans for supporting the wellbeing and safety of learners described in clause 7(1); and 			
(b) revisions to strategic goals and strategic plans for supporting the wellbeing and safety of learners described in clause 7(2); and			
(c) self-review reports on the quality of their learner wellbeing and safety practices described in clause 8.			To be updated with the latest version of the self-review when complete
Process 4: Responsive wellbeing and safety systems	Training provided to all College staff.		
Clause 10 (1). Providers must gather and communicate relevant information across their organisation (including student accommodation) and from relevant stakeholders to accurately identify emerging concerns about learners' wellbeing and safety or behaviour and take all reasonable steps to connect learners quickly to culturally appropriate social, medical, and mental health services.	Student wellbeing escalation process in place. Monthly NSP meeting.		

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Clause 10 (2). Providers must provide staff with ongoing training and resources tailored to their roles in the organisation, in relation to –	All teaching staff have undertaken Te Tiriti o Waitangi training as part of their professional qualifications.		
(a) Te Tiriti o Waitangi; and	Te Kaa Cultural Competency course for core College staff completed in 2022.		
(b) the provider's obligations under this code; and	Staff attended the NZQA workshop on the Domestic Code in 2022, and Info Sessions in 2023.	Compliant	
(c) understanding the welfare issues of diverse learner groups and appropriate cultural competencies; and	Te Kaa Cultural Competency course for core College staff in 2022.		
(d) identifying and timely reporting of incidents of racism, discrimination, and bullying; and	Feedback review processes discussed earlier in this document ensure this.	Compliant	
 (e) physical and sexual violence prevention and response, including how to support a culture of disclosure and reporting; and 	ES Manager completed training 2021.		
(f) privacy and safe handling of personal information; and	Privacy intranet page and resources available to all staff. Training provided to all new starter, and ongoing training and resources to all staff.	Compliant	
(g) referral pathways (including to local service providers) and escalation procedures; and	Student wellbeing escalation process in place.	Compliant	

(h) identifying and timely reporting of incidents and concerning behaviours; and	Weekly SMT meeting reporting on concerns. Ad hoc meetings between instructor and ES Manager as required.	Compliant	
(i) wellbeing and safety awareness and promotion topics including — i. safe health and mental health literacy and support; and ii. suicide and self-harm awareness; and iii. promoting drug and alcohol awareness; and iv. promoting healthy lifestyles for learners.	Training provided to all College staff. Weekly wellness tip emails provided to all students and staff.		
Clause 10 (3). Providers must have plans for assisting learners, and responding effectively, in emergency situations in the learning or residential community (whether localised or more widespread), including — (a) making these plans readily available to learners when they begin their study; and	Emergency Response plan in place. Critical Incidents policy available to learners via website.		
(b) ensuring that there are suitably prepared staff members available to be contacted by a learner, or learners, in the event of an emergency; and	Emergency Response Plan at Group level, with appropriate local contacts. Students are provided with enquiries and extensions inbox. Orientation key contacts, all instructor details made available to students.	Compliant	

(c)	co-ordinating decision-making across the provider when responding to emergencies; and	Emergency Response plan at Group level.		
(d)	disseminating timely, accurate, consistent, and accessible information to learners and staff during emergencies; and	Emergency Response plan at group level.		
(e)	ensuring all relevant staff are aware of the indicators of imminent danger to a learner or others and what action they can reasonably provide to help make them safe; and	Training provided to all staff and available on our learning platform as video training to new staff.		
(f)	keeping a regularly updated critical incident and emergencies procedures manual which guides staff involved in emergency situations which contains the immediate and ongoing actions required including – i. engaging with relevant government agencies (e.g. the New Zealand Police, Ministry of Health, New Zealand Qualifications Authority, Tertiary Education Commission); and ii. the follow-up de-briefing processes to support all learners and relevant staff; and	Emergency Response plan at Group level.		
(g)	recording critical incidents and emergencies and reporting these back annually (at an aggregate level and, as far as practicable, disaggregated by diverse learner groups) to provider management, learners, other stakeholders, and the code administrator.	WH&S registers, annual compliance registers, quarterly WH&S reporting	Compliant	

Outcome 2: Learner voice

Providers understand and respond to diverse learner voices and wellbeing and safety needs in a way that upholds their mana and autonomy.

Phase in the gap analysis process:	PREPARE	MAKE SENSE		
Manage and a second	Information we can gather to use	COMPLIANT	GAP	GAP
Key required processes	as evidence of our compliance with this clause		(in evidence)	(in practice)
Process 1: Learner voice	Students are provided with a list			
110cess 1. Learner voice	of key contacts on the first day of			
Clause 12.	the course, and encouraged to			
Providers must have practices for –	reach out to those key contacts.			
(a) proactively building and maintaining effective relationships with diverse learner groups within their organisation; and	There are five opportunities across the 13/18 week course for students to provide feedback on the course and their experience.			
(b) working with diverse learners and their communities to develop, review, and improve learner wellbeing and safety strategic goals, strategic plans and practices; and				
(c) providing formal and informal processes for actively hearing, engaging with, and developing the diverse range of learner voices and those of their communities; and	End of course student evaluations, feedback review meetings, Course Advisory Committees, subject specific student evaluations	Compliant		
(d) providing timely and accessible resources to learners to support them and their learner communities to develop the necessary skills to enable them to participate fully in decision-making processes; and	Course Regulations are made available to learners in the learning management system, as well as highlighted at Orientation			

	and in our pre-course communications.		
(e) providing timely and accessible information to learners to increase transparency of providers' decision-making processes.	Learners are engaged in the PLSC course from between 13-18 weeks. The context of this is very relevant in that learner's engagement in decision-making. The five formal opportunities to provide feedback are a key time for us to address feedback specific to the current group of students. Due to the timing of the course being so short, learner voice is typically a tool to progress and pursue improvements for students that come after.	Compliant	
Process 2: Learner complaints Clause 13. Providers must — (a) work with learners to effectively respond to, and process complaints (including appropriate engagement with support people); and	We have a Customer Insights team available to receive complaints if such complaints do not want to come through the NZ team. We have processes in place to regularly review written feedback and respond as necessary.		
(b) inform learners on how the complaint will be handled and how it is progressing; and	As per the above. Course Manual outlines the process.	Compliant	

 (c) handle complaints in a timely and efficient way, including having practices that — are appropriate to the level of complexity or sensitivity of the complaint; and consider the issues from a cultural perspective; and include the provision of culturally responsive approaches that consider traditional processes for raising and resolving issues (for example, restorative justice); and comply with the principles of natural justice; and 	We have appeals processes, and other methods of escalating complaints.	Compliant	
 (d) ensure that the complaints process is easily accessible to learners (and those supporting them), including having practices for — i. providing learners with clear information on how to use the internal complaints processes (including the relevant people to contact), and the scope and possible outcomes of the processes; and 	We provide emails with the contact details of our Customer Insights team, as well as regular requests for written feedback. Course manual outlines complaints process.	Compliant	
ii. addressing barriers to accessing this information (for example, due to language, lack of internet access, fear of reprisal, desire for anonymity), such as providing alternative ways of raising a complaint; and	Complaints can be received by: email (customer insights or CAO), written anonymous feedback documents, directly to an instructor (email or phone).	Compliant	

iii. providing an opportunity for a support person or people (who can be chosen by the learner) to guide and support the learner through the complaints process; and	Offer of a support person is made.	Compliant	
iv. providing the opportunity for groups of learners to make joint complaints; and			
(e) record complaints; and	Formal process to record complaints in one document introduced.	Compliant	
 (f) report annually to provider management, learners, other stakeholders, and the code administrator (including on provider websites where available) on – i. the number and nature of complaints made and their outcomes (at an aggregate level and, as far as practicable, disaggregated by diverse learner groups); and ii. learner experience with the complaints process and the outcome of their complaint; and 	Weekly meeting of the Group management where any complaints are raised.	Complaint	
(g) promote and publicise complaint and dispute resolution processes available to learners including, but not limited to, the provider's internal complaints process, the education quality assurance agency complaints process, the code administrator's complaints process, and the Dispute Resolution Schemes; and	Course Manual	Compliant	

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(h) advise learners, on the next steps available to them if	Reference to the appeals process	Compliant		
the provider does not accept the complaint (or the	available under the Regulations.			
learner or provider perceives that the provider does				
not have the cultural competency to deal with it), or				
the learner is not satisfied that the provider has made				
adequate progress towards resolving the complaint,				
or the learner is not satisfied with the provider's				
internal complaints process or outcome, including –				
i. how to seek resolution of a contractual or				
financial dispute by way of a complaint or				
referral to an appropriate body or agency				
depending on the subject matter of the				
dispute, for example, the code administrator,				
the Dispute Resolution Scheme, the Disputes				
Tribunal, the Human Rights Commission or				
the Ombudsman; and				
ii. how to make a complaint to the code				
administrator if a learner believes that the				
provider is failing to meet the outcomes or				
requirements of this code.				
requirements of this code.				
Process 3: Compliance with the Dispute Resolution		Compliant		
Scheme				
Clause 44				
Clause 14. Providers must ensure they are familiar with the relevant				
Dispute Resolution Scheme rules for domestic and				
international learners and ensure compliance with those				
rules in a dispute to which it is party.				
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Wellbeing and safety practices for all tertiary providers

Outcome 3: Safe, inclusive, supportive, and accessible physical and digital learning environments

Providers must foster learning environments that are safe and designed to support positive learning experiences of diverse learner groups.

Phase in the gap analysis process:	PREPARE	MAKE SENSE		
Key required processes	Information we can gather to use as evidence of our compliance with this clause	COMPLIANT	GAP (in evidence)	GAP (in practice)
Process 1: Safe and inclusive communities	Student code of conduct. Document also available on the	Compliant		
Clause 16 (1). Providers must have practices for –	student wellbeing page.			
(a) reducing harm to learners resulting from discrimination, racism (including systemic racism), bullying, harassment and abuse; and				
(b) working with learners and staff to recognise and respond effectively to discrimination racism (including systemic racism), bullying, harassment and abuse; and	Feedback and complaints processes discussed elsewhere in this document.	Compliant		
(c) promoting an inclusive culture across the learning environment; and				
(d) upholding the cultural needs and aspirations of all	Te Reo Māori assessment options.	Compliant		
groups throughout the learning environment; and	Dedicated instructor to support students with diverse learning needs, whether that is cultural, disability or other.			

(e) providing all learners with information — i. that supports understanding, acceptance, and connection with all learners, and collective responsibility for an inclusive learning environment; an ii. about the cultural, spiritual, and community supports available to them; and	Other cultural needs observed and upheld as required or requested by students. Student code of conduct.	Compliant	
(f) providing learners with accessible learning environments where they can connect with others, build relationships, support each other, and welcome their friends, families, and whānau.	Opportunities offered throughout the course to engage with peers through classroom interaction (online, onsite), discussion forums, students lounges provided in onsite environments.	Compliant	
Process 2: Supporting learner participation and engagement Clause 17 (1). Providers must provide learners with opportunities to — (a) actively participate and share their views safely in their learning environment; and	Five formal opportunities to do this throughout the 13/18 week course. Informal opportunities presented by instructors.		
(b) connect, build relationships and develop social, spiritual and cultural networks; and	Opportunities offered throughout the course to engage with peers through classroom interaction (online, onsite), discussion forums, students		

	lounges provided in onsite environments.	
(c) use te reo and tikanga Māori to support Māori learners' connection to identity and culture.	Students who choose to do so can do their assessments in Te Reo Māori, with Tikanga practices.	Compliant
	Other Te Reo Māori activities incorporated for all students throughout the course.	
Clause 17 (2). Providers must have practices for supporting learners through their studies, including –	Our learners have already been through tertiary study. This is a professional qualification.	Compliant
(a) enabling learners to prepare and adjust for tertiary study, and	Dedicated instructor to support students with diverse learning needs, whether that is cultural, disability or other.	
(b) maintaining appropriate oversight of learner achievement and engagement; and	Low grades process.	Complaint
(c) providing the opportunity for learners to discuss, in confidence, any issues that are affecting their ability to study and providing learners with a response to their issues; and	Extensions inbox. Customer Insights Team.	Compliant
(d) providing learners with advice on pathways for further study and career development, where appropriate.	Admission information provided. Mentoring Panel offered. Career portal and jobs board offered.	Compliant

Process 3: Physical and digital spaces and facilities	Health, safety and wellbeing policy	Compliant
Clause 18.	Discrimination policy	
Providers must have practices for-	Student Code of Conduct	
(a) providing healthy and safe learning environments; and		
	Online information presented in an accessible format.	Compliant
	Responsive to needs of learner	
	with access or disability concerns	
(b) identifying and, where possible, removing access	as required.	
barriers to provider facilities and services; and	Wrap around services provided	
	for no cost to the student –	
	mentoring panel, dedicated	
	learning support where required,	
	wellness tips, psychotherapist	
	support, etc.	
	Learners involved in research and	Compliant
	focus groups regarding the online	
	learning platform and ongoing	
(c) involving learners in the design of physical and digital	improvements.	
environments when making improvements; and	Online learning environment	
	feedback is obtained and	
	responded to as part of the	
	feedback process.	
(d) engaging with Māori and involving Māori in the design of	Māori cultural advisor engaged by	Compliant
physical and digital environments where appropriate.	the College and involved in the	
environments when making improvements; and (d) engaging with Māori and involving Māori in the design of	improvements. Online learning environment feedback is obtained and responded to as part of the feedback process. Māori cultural advisor engaged by	Compliant

lefthand mentioned items, in		
addition to various other		
initiatives.		

Outcome 4: Learners are safe and well

Providers must support learners to manage their physical and mental health through information and advice, and identify and respond to learners who need additional support.

Phase in the gap analysis process:	PREPARE	MAKE SENSE	MAKE SENSE		
Key required processes	Information we can gather to use as evidence of our compliance with this clause	COMPLIANT	GAP (in evidence)	GAP (in practice)	
Process 1: Information for learners about assistance to meet their basic needs.	Process of identifying at risk students and escalation process mentioned elsewhere in this	Compliant			
Clause 20 (1). Providers must have practices for enabling all learners and prospective learners to identify and manage their basic needs (the essential material requirements to support wellbeing and safety including housing, food and clothing), including providing accurate, timely and tailored information on how they can —	document. Education Support team available to provide assistance to students with the left-hand mentioned items.				
 (a) access services through the provider or through community and public services that will help them maintain reasonable standards of material wellbeing and safety; and (b) access suitable accommodation and understand their rights and obligations as a tenant in New Zealand; and (c) maintain a healthy lifestyle. 					

Clause 20 (2). If food is made available by the provider on campus or in student accommodation, the provider must ensure that the food available includes a range of healthy food options that is obtainable at a reasonable cost.	NA		
Process 2: Promoting physical and mental health awareness Clause 21. Providers must have practices for — (a) providing opportunities and experiences for learners that improve their physical and mental health and wellbeing and safety; and	This is a 13- or 18-week professional course that students typically undertake while being in employment, and is largely undertaken online. As such, the applicability of this clause is limited by the scope of involvement with the whole of a student's life/activities. However as an organisation we see our responsibility as promoting the overall wellbeing of the legal profession. As a group we engage in multiple activities in this space. For our students specifically, they obtain wellbeing tips emails weekly and access to a mentoring panel.	Compliant	
 (b) promoting awareness of practices that support good physical and mental health that are credible and relevant to learners; and 	Weekly wellness emails.	Compliant	
(c) supporting learners' connection to their language, identity, and culture; and	Te Reo Māori assessment courses offered.		

	Financial and other support to a range of cultural law societies.		
 (d) providing accurate, timely information and advice to learners about — i. how they can access medical and mental health services through the provider or through community and public services, including culturally responsive services; and ii. how they can report health and safety concerns they have for their peers; and iii. how to respond to an emergency and engage with relevant government agencies; and iv. how they can make positive choices that enhance their wellbeing. 	This is a 13- or 18-week professional course that students typically undertake while being in employment, and is largely undertaken online. As such, the applicability of this clause is limited by the scope of involvement with the whole of a student's life/activities. However, our Education Support team do support individual learners with these matters where required.		
Process 3: Proactive monitoring and responsive wellbeing and safety practices.		Compliant	
Clause 22 (1). Providers must have practices for –			
(a) requesting that domestic learners 18 years and over provide a name and up-to-date contact details of a nominated person; and			
(b) describing the circumstances in which the nominated person referred to in paragraph (a) should be contacted in relation to their wellbeing and safety; and		Compliant	

		Compliant	
(c) contacting the person nominated by domestic learners 18 years and over, in the circumstances described in accordance with paragraph (b), or where the provider has reasonable grounds for believing that the disclosure is necessary to prevent or lessen a serious threat to the student's life or health; and		Compliant	
(d) enabling learners to communicate health and mental health needs with staff in confidence, including accommodation staff, so that the provider can proactively offer them support; and	Various methods of communicating these issues — multiple communication channels made available to students.	Compliant	
(e) providing opportunities for learners to raise concerns about themselves or others in confidence; and	As above	Compliant	
(f) identifying learners at risk and having clear and appropriate pathways for assisting them to access services when they need it; and	Processes discussed elsewhere in this report.	Compliant	
(g) identifying learners who are at risk of harming others, and i. having clear and appropriate pathways for assisting them to access services when they need it; and	Processes discussed elsewhere in this report.	Compliant	
ii. protecting learners and staff who experience harm from other learners and/or staff, including sexual assault; and	Processes discussed elsewhere in this report.	Compliant	
(h) making arrangements with disabled learners or those affected by health and wellbeing difficulties to accommodate learning needs, including for study off-campus; and	Process for supporting disabled learners in place. Each person is individually communicated with and relevant individual plans in place.	Compliant.	

(i) responding to disruptive and threatening behaviour in a way that is sensitive to a learner's situation; and		Compliant	
(j) supporting learners whose study is interrupted due to circumstances outside their control, and providing inclusive, accessible re-entry processes for their transition back into tertiary study.	PLSC Regulations are governed by the NZ Council of Legal Education and have specific regulations in regard to these matters. However our Education Support team work within the regulations to achieve a fair and equitable result for all students that are interrupted by life circumstances.	Compliant	
Clause 22 (2). Providers must have up-to-date contact details and next of kin for domestic tertiary learners under 18 and international tertiary learners.		NA	
Clause 22 (3). Providers must contact the next of kin for domestic tertiary learners under 18 years and international tertiary learners if there is concern regarding the wellbeing or safety of a learner.		NA	
Clause 22 (4). Providers must maintain a record of reported risks, including any concerns raised in relation to the effective administration of this code.	WHS Registers, Quarterly reporting, and biannual compliance checks.	Compliant	