



Education Review Office

Te Tari Arotake Mātauranga

**Guidelines for Hostel
Assurance Statement
and Self-Audit Checklists**

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Introduction

Hostels with student boarders aim to provide a safe physical and emotional environment for the students using that facility.

The Education (Hostels) Regulations 2005¹ provide for:

- Licensing of hostel owners, and checks on people who operate the hostel;
- Minimum standards for hostel premises and a code for management practices;
- Direct intervention options where serious safety concerns in a hostel are identified.

Review reports prepared by the Education Review Office (ERO) inform the hostel owners, hostel staff, parents, students, the Ministry of Education, and the Minister of Education of the provision of a safe physical and emotional environment for students in hostels.

The legal framework described above provides a baseline for all hostel owners. ERO wants to know that hostel owners are taking all reasonable steps to meet the legal requirements with which they must comply in order to promote care for students living at the hostel.

The Education Review Office carries out reviews of school hostels as part of regular education reviews of schools under sections 470 to 473 of the Education and Training Act 2020. This may include instances where private boarding hostels provide accommodation and the main group of boarders are enrolled at a registered school.²

¹ Note: these Regulations continue to apply under clause 4, Schedule 1 [Saving provisions - [Legislative instruments continued](#)] of the Education and Training Act 2020. [Education \(Hostels\) Regulations 2005](#) – www.legislation.govt.nz

² Enrolled in a school that is a State school, a State integrated school, a partnership school kura hourua, or a school registered under [Schedule 7 Private schools](#) of the Education and Training Act 2020.

Compliance Issues

Compliance with legal requirements is an integral part of the provision of high quality care. The main focus of the ERO review is the provision of a safe physical and emotional environment that supports learning for student boarders.

ERO places significant reliance on the information given by hostel owners as to whether they are taking all reasonable steps to meet their legal obligations. Hostel owners are asked to provide assurance to ERO about legal compliance. Where there are areas of non-compliance, hostel owners are asked to advise what action they are taking to achieve compliance.

In order to help with this process, ERO has developed the *Guidelines for Hostel Assurance Statement and Self-Audit Checklists* that include:

- a brief outline of the legal requirements with which hostel owners must comply;
- checklists to be completed by hostel owners to assist hostel owners, and ERO in reviewing legal compliance; and
- an assurance statement to be signed by hostel owners providing evidence of compliance with legal requirements.

The completed checklists and assurance statement are used by ERO to help the scoping and planning stages of the review.

Note: The *Guidelines for Hostel Assurance Statement and Self-Audit Checklists* do not cover every legal requirement with which hostel owners must comply. Information in the *Guidelines* may not represent the official version of Acts, Regulations and other legal requirements. In any situation hostel owners should refer to the legislation.

The Self-Audit Checklists are part of the hostel owner's self-review process. You should seek professional advice especially in the application of the health and safety at work legislation if you are uncertain about specific matters. If any significant issues or risks are identified under any sections of the Self-Audit Checklists, these will be discussed during the review and referred to other agencies as appropriate.

SECTION ONE

Administration Compliance Guide

Key Legislation

- The Education and Training Act 2020
- The Education Act 1989 [Saving provisions].
- Education (Hostels) Regulations 2005.
- Privacy Act 1993.
- Public Records Act 2005.

The Nature of Hostels

The Education and Training Act 2020 defines 'hostel' as "a boarding establishment used mainly or solely for the accommodation of students enrolled at a registered school".

Education (Hostels) Regulations 2005

The Education (Hostels) Regulations 2005 ["Hostel Regulations"] clarify the above definition and apply to hostels if they are:

- i. used for the accommodation of five or more students of whom none is in any way a family member of, or related to, the owner; and
- ii. each student's accommodation is provided for valuable consideration and for one or more periods each of which is longer than three consecutive nights.

The definition covers a wide range of boarding establishments, for example, residential special schools, health camps, hostels operated by state and state-integrated schools, and private hostels serving groups of international students attending registered schools.

These Regulations do not cover:

- private boarding arrangements, where the homeowner provides accommodation to less than five students.
- boarding establishments where students attending a registered school are not the main group of boarders (for example, a backpacker hostel or university hostel).
- hostels that are used in an emergency for a period of up to 3 months or a longer period approved by the Ministry of Education.

The Hostel Regulations prescribe a system of licensing for hostels, set out minimum standards that apply to hostel premises and facilities and a code of practice relating to the management of hostels.

Note: Under the Hostel Regulations “licensee” means the holder of the licence and “owner” means the person who is lawfully entitled to occupy, and is operating a hostel at the hostel premises. The Hostel Regulations place separate duties on the licensees and owners, who may be the same person in many circumstances.

Licensing

An application for a licence must be made by or on behalf of the hostel’s owner, and the licence renewal application must be made by, or on behalf of the hostel licensee on a form provided by the Ministry of Education [MOE].

In determining whether to grant or renew a licence, the Ministry of Education may be informed by ERO’s most recent report on the review of the hostel and may consider that report in helping it to be satisfied that the hostel has suitable premises and facilities, is complying with the minimum standards, and the code of practice relating to the management of the hostel under the Hostel Regulations.

Students are prohibited from boarding at unlicensed hostels. No boarding bursary or government subsidy will be paid in relation to an unlicensed hostel.

Regulation 53 of the Hostel Regulations states that the owner of a hostel must ensure that boarders are not accommodated in the hostel at any time when the hostel is an unlicensed hostel.

The extent, content and form of the licence are set out in Regulation 21. This requires every licence to include the licensee’s full name, address of the licensed premises, the date on which it was granted or renewed, the standard conditions and any special conditions.

Under Regulation 22, a hostel may not accommodate more than a specified maximum number of boarders, determined when the licence is granted or renewed.

Regulation 25 requires the licensee to display the hostel licence in a place easily inspected by visitors. In addition, the hostel licensee must display next to the licence:

1. the full name of each responsible person in the hostel; and
2. a notice which explains the hostel licensee’s duties under Regulation 26; and
3. a notice which explains a procedure for handling complaints made by boarders or boarders’ parents or a Board, about non-compliance with the regulations or conditions of the licence, and in relation to or involving the hostel.

Regulation 26 requires that the licensee must make available to a boarder, a boarder’s parent, or a Board, for copying and/or inspection, a copy of the Education (Hostels) Regulations 2005 and a copy of the hostel’s licence, when requested, and at a time reasonable and convenient to the licensee.

If the licensee is not complying with an area of the Regulations, the MOE has the power to give a formal direction relating to the area of non-compliance. Any formal direction given must be displayed at the hostel next to the licence, where it can be easily inspected by visitors (see Regulation 30).

Code of Practice Relating to Management of Hostels

Policies and Operating Procedures

The owner of a hostel must ensure that the hostel is managed in accordance with written policies and operating procedures maintained by the owner. The owner must make a copy of the policies and procedures available for inspection and copying by a boarder, parent of a boarder or staff member.

The general purpose of the policies and procedures is to ensure that boarders:

- are supported in a positive learning environment;
- are given the opportunity to develop positively within reasonable boundaries;
- feel secure and valued;
- have ready access to people they can trust and confide in, and are supported in raising problems and issues that are of concern to them;
- have ready access to, and a degree of choice about, health and other personal services. (see Regulation 54).

Policy on Relationships and Protection from Ill-Treatment

The policies required by Regulation 54 include a policy on hostel relationships (for example relationships between boarders, or between boarders and staff) and the protection of boarders from ill-treatment.

The purpose of the policy on relationship and protection from ill-treatment must be to help ensure that every boarder:

- is treated with respect and dignity;
- is given positive guidance promoting appropriate behaviour, and by use of praise and encouragement and avoidance of blame, harsh language, belittling or degrading responses;
- is not subject to any form of discrimination, physical ill-treatment, solitary confinement or deprivation of food, drink, warmth, shelter, privacy or protection; and
- is physically restrained only in circumstances in accordance with restrictions and conditions specified in the policy. (see Regulation 55)

The procedures required by Regulation 54 include a procedure for granting the boarders leave of absence from the hostel. Regulation 56(2) sets out the procedures that must be specified for this purpose.

The owner of a hostel must review the policies and procedures required by Regulation 54 at least once every three years. As part of the review the owner must take all reasonably practicable steps to consult the boarders and their parents on the terms of the policies and procedures (see Regulation 57).

Records

The hostel owner must ensure that for each boarder there are created and maintained, among other things, records of:

- the boarder's name, date of birth, and home address or addresses;
- the name and home address of all guardians if it differs from the boarder's address;

- the place at which at least one guardian of the boarder may be reached while boarding at the hostel.

Regulation 59 set out other details, which must be included when creating, and maintaining records.

Under Regulation 60 the hostel owner must ensure that the records required by Regulation 59 are created and maintained with an appropriate degree of confidentiality and retained at least one year after the boarder has left the hostel or if the owner is a public office under the Public Records Act 2005, as required by that Act.

Regulation 60 also provides that the records are available for inspection and copying at any reasonable time by persons authorised under the Education ND Training Act 2020.

Complaints and Procedures

A complaint made by a boarder's parent, a boarder or Board may be made in writing or orally to the hostel owner, concerning hostel non-compliance. The owner must put an oral complaint in writing as soon as practicable.

Regulation 68 sets out the procedure for resolving complaints as follows:

- the hostel owner puts oral complaints into writing as soon as practicable; and
- the complaint is (unless earlier resolved to the complainant's satisfaction) acknowledged in writing within five working days or receipt; and
- the complainant is informed of any relevant internal complaints procedures; and
- the owner's response to the complaint is documented; and
- the complainant receives a copy of all information held by the owner that is or may be relevant to the complaint; and
- the owner decides whether the complaint is justified in accordance with Regulation 69.

Under Regulation 69 the hostel owner must decide whether the complaint is or is not justified within ten working days of receiving the complaint, or additional time is needed to investigate.

If additional time is needed, the owner must decide how much additional time is needed to investigate and decide whether the complaint is justified.

If the additional time required for investigating is more than twenty working days the owner must inform the complainant of this, the reasons for the determination and that the owner is required to decide as soon as practicable whether the complaint is justified.

Note: "*Working day*" is defined in the Interpretation Act 1999 as a day of the week excluding:

- a. A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day; and
- b. A day in the period commencing with 25 December in a year and ending with 2 January in the following year; and
- c. If 1 January falls on a Friday, the following Monday; and
- d. If 1 January falls on a Saturday or a Sunday, the following Monday or Tuesday.

Regulation 70 requires that after making a decision, the hostel owner must inform the complainant of the reasons for that decision, any proposed actions to be taken, any appeal process that the complainant may use to review the decision, and any relevant external agency that may assist the complainant to investigate the complaint if it is not resolved to the complainant's satisfaction.

Relevant external agencies may include the Chief Review Officer (if the complaint relates to the provision of a safe physical and emotional environment that supports learning for students accommodated in the hostel), the Children's Commissioner, the department responsible for administering the [Oranga Tamariki Act 1989](#), and the New Zealand Police.

Useful Resources

[Guidelines to the hostel regulations 2005 \[PDF, 1.2 MB\]](#)

New Zealand Education Gazette (6 March 2006 @ page 18) Official Notices-Education (Hostels) Regulations 2005.

SECTION TWO

Health, Safety & Welfare Compliance Guide

Key Legislation

- Education and Training Act 2020
- Education Act 1989 [Saving provisions]
- Education (Hostels) Regulations 2005.
- Building Act 2004.
- Health and Safety at Work Act 2015 and Regulations.
- Children’s Act 2014
- Children’s (Requirements for Safety Checks of Children’s Workers) Regulations 2015
- Fire and Emergency New Zealand Act 2017
- Fire Safety, Evacuation Procedures, and Evacuation Schemes Regulations 2018
- Health Act 1956.
- Food Act 2014 and Regulations
- New Zealand Bill of Rights Act 1990.
- Human Rights Act 1993.
- Smoke-Free Environments Act 1990.

Introduction

The parents or guardians of student boarders entrust the welfare of their children into the care of the owners of hostels. These families do so with the expectation that their children will be provided with a safe physical and emotional environment that supports their learning.

Hostel owners must be satisfied that the hostel provides a safe and healthy environment for boarders. The educational and social development of children is closely linked to their physical and emotional safety. Children will not learn effectively if they are physically or verbally threatened, or if their living arrangements are unsafe.

Education (Hostels) Regulations 2005

Part 3 of the Education (Hostels) Regulations 2005 sets out the minimum standards for hostel premises and facilities.

Note: Regulation 73 states that the Hostel Regulations do not limit or affect requirements imposed by any other legislation which apply to a hostel, the management of a hostel or hostel facilities, owner or premises.

Procedure for granting boarders leave of absence

Under Regulation 56 the hostel owner is required to have a procedure for granting boarders leave of absence from the hostel.

The procedure for granting leave of absence, must among other things, specify:

- how the boarders may apply for leave of absence;
- conditions that may apply to leave;
- how checks are to be made of the suitability of the places where and people with whom each period is to be spent;
- how recreational and other associated activities are to be assessed to identify any risks involved;
- how records of the boarders' absences on leave from the hostel are to be created and maintained.

Abuse, harassment, or serious neglect of boarders

Under Regulation 58 if the hostel owner believes on reasonable grounds that a person (whether staff member or boarder or not) has, among other things:

- harmed (whether physically, emotionally or sexually) or ill-treated a boarder; or
- subjected the boarder to discrimination, solitary confinement, physical restraint; or
- otherwise abused, harassed, or seriously neglected a boarder; or
- the hostel owner must ensure that the person does not come into contact with the boarder concerned so far as practicable, and require the person to stay off the hostel premises if the owner regards that it is necessary to ensure that no boarder is ill-treated.

The owner must give written notice of the matter to the Ministry of Education within 24 hours of forming the belief, and to at least one of the following, that is, the parents of the boarder concerned or the Department responsible for administering the [Oranga Tamariki Act 1989](#) or the New Zealand Police as well as any other of them as the owner considers appropriate.

The Ministry of Education may cancel the licence if satisfied that the hostel's owner has abused, harassed, or seriously neglected a boarder.

Records

As noted under **Section One** of these guidelines the owner must create and maintain records for each boarder under Regulation 59. Other details to be included in each boarder's record are:

- particulars of every accident and every illness occurring to or experienced by the boarder and any actions taken in response;
- details of any chronic illness and any medication to be taken;
- details of all medicines administered by hostel staff and by whose authority they were administered;

- the names and addresses of people who should be consulted if the boarder is ill or injured; and
- the names and addresses of the people authorised by a guardian of the boarder to collect the boarder from the hostel, and people who are lawfully entitled to or forbidden to have contact with, or access to the boarder.

Supervision and security

Under Regulation 61(3) the owner must ensure that the hostel is at all times staffed with a ratio of staff to boarders present that ensures the safety of the boarders having regard to the number of boarders, their ages and needs, the nature of their activities, the training and qualifications of the staff or other adults concerned.

Regulation 61(4) states that people who have no duties beyond administration, cleaning, food preparation and serving, or maintenance must not be counted as staff.

Supervision on excursions

Regulation 62 states that when boarders are taken on excursions the owner must ensure that there are enough hostel staff or adults to ensure the safety of boarders having regard to the number of boarders, their ages and needs, the nature of the excursion activity, the training and qualifications of the staff or other adults concerned.

Food and drink

Under Regulation 63 the hostel owner must ensure that food is served in the hostel at such times and in such variety, quantity and quality to meet the boarders' nutritional needs. The food must be adequately protected from contamination when stored, prepared and served, and an ample supply of potable water must be available at all times.

Infectious and other diseases

The owner is required to take all reasonably practicable steps to ensure that a boarder or member of the hostel staff suffering from or suspected of suffering from or exposed to infectious disease under the Health (Infectious and Notifiable Diseases) Regulations 1966 is excluded from the hostel for the period of isolation in terms of those Regulations.

Regulation 64 sets out other details of the owner's obligations.

Protection or promotion of health

The owner must ensure that the hostel has an area and facilities for the temporary isolation and care of at least one sick boarder.

A responsible person must take all practicable steps to get medical aid and to notify a parent in the case of an accident or serious illness to a boarder.

The owner must take all reasonably practicable steps:

- to facilitate access by a boarder to a full range of general health and other support services at the boarder's expense.

- to ensure that no member of the hostel staff while at the hostel, and no boarder uses or is affected by alcohol, or any other substance to the extent that it is an actual or potential cause or source of harm to the person or another person or both.

Regulation 65 sets out other details under this heading.

Parents' contact with, or access to, boarders

The owner must ensure that a boarder's parent can have contact with, or access to the boarder whenever the boarder is present at the hostel or no good reason exists to deny that contact or access.

Regulation 66(2) sets out the circumstances in which good reason exists to deny access. Briefly good reason exists if the parent:

- is subject to an order of a court that prohibits contact with or access to the boarder;
- is subject to a warning under section 4 of the Trespass Act 1980 to stay off the premises;
- is suffering from an infectious, or some other contagious disease that is likely to harm the boarders if passed on to them;
- is under the influence of alcohol or any other substance that is an actual or potential cause of harm;
- is exhibiting behaviour that is or is likely to be disruptive to the hostel's operation.

Health and Safety at Work Act 2015 (HSWA)

Under the HSWA, the Person Conducting a Business or Undertaking (PCBU) is a legal entity such as a body corporate. In the context of hostels the PCBU can be the school board or trust board (proprietor) if they are the hostel owner who holds the primary duty of care for, and manages risks to, the health and safety of workers and others arising from the work of the hostel. The PCBU will exercise its primary duty of care by ensuring the health and safety of:

- its workers (e.g. boarding staff, administrators, property managers, volunteer workers etc.) while at the hostel, and on excursions and outside the hostel.
- other workers who are influenced or directed by the PCBU
- others (e.g. boarders, parents, members of the public, and visitors to the premises), by ensuring they are not put at risk from work carried out by the hostel.

Officers of the PCBU, are individual members such as trustees, directors and managers of the hostel occupying a position that allows them to *exercise significant influence* over the management of the hostel. Their role is to exercise *due diligence*, which means that they must take reasonable steps to ensure that the legal entity (as the PCBU) meets its health and safety obligations.³

Building Act 2004

The Building Act establishes a series of minimum safety standards (building regulations), which must be complied with. The purpose of these regulations is to ensure all new buildings and alterations are constructed to a standard that ensures the safety of the occupants.

³ Seek assistance of a professional advisor if you need advice on any aspect of your health and safety system. For further information refer: [health and safety practical guide for boards of trustees and school leaders](#), and [webspace](#)

The purpose of the Building Act 2004 (Section 3) is to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings, to ensure that:

- a. people who use buildings can do so safely and without endangering their health; and
- b. buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
- c. people who use a building can escape from the building if it is on fire; and
- d. buildings are designed, constructed, and able to be used in ways that promote sustainable development.

Smoke-Free Environments Act 1990

The purposes of Part One of the Act are:

- a. to prevent the detrimental effect of other people's smoking on the health of people in workplaces, or in certain public enclosed areas, who do not smoke or do not wish to smoke there; and
- b. to prevent young people who are being taught or cared for in registered schools or early childhood centres from being influenced by seeing other people smoke there; and
- c. to prevent the detrimental effect of other people's smoking on the health of young people who are being taught or cared for in registered schools or early childhood centres.

Hostel premises may in several cases fall within the definition of "*school premises*" under this Act.

"*School premises*" means premises that are:

- a. a registered school; or
- b. facilities, grounds, structures, or other premises, controlled and managed by the managers of a registered school, and used principally for:
 - i. the enjoyment, recreation, or relaxation of the young people attending the school; or
 - ii. cultural or sporting activities (or both) involving, or undertaken for the benefit of, the young people attending the school.

The managers of registered schools or proprietors of integrated schools who are also the employers of the hostel staff have obligations under the Act. The smoke-free requirement may apply to hostel grounds during weekend sports games, fund-raising activities, or community days, as well as when grounds or buildings are rented out by other groups.

New Zealand Bill of Rights Act 1990

The New Zealand Bill of Rights Act provides for the safeguarding of rights in respect of such matters as:

- The right to the observance of the principles of natural justice.
- The right to be secure against unreasonable search or seizure, whether of the person, property, correspondence or otherwise.
- The right to freedom of thought, conscience, religion, and belief, including the right to adopt and to hold opinions without interference.

- The right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.
- The right not to be subjected to torture or to cruel, degrading, or disproportionately severe treatment or punishment.
- The right to be free from discrimination.

Human Rights Act 1993

Under section 53 of the Human Rights Act it is unlawful for the hostel owner to refuse any person the right to accommodation by reason of any of the prohibited grounds of discrimination such as race, religion, ethnic or national origin. It is also unlawful to impose or seek to impose on any boarder any term or condition by reference to the prohibited grounds of discrimination. Certain exceptions to this rule exist under sections 55 and 56 of the Act.

Pastoral Care for International Students

The Education (Pastoral Care of International Students) Code of Practice 2016 came into force on 1 July 2016.⁴

The new Code of Practice means:

- Education providers will be required to achieve 10 outcomes outlined in this new Code of Practice, following prescribed key processes.
- The Code Administrator, the New Zealand Qualifications Authority (NZQA), has new powers to sanction education providers who do not follow the code.

Clause 26 of the Code of Practice 2016 sets out the obligations of the Code signatory in relation to the accommodation of international students. The Code signatory can be the school board (State schools) or management for private registered schools. In relation to an international student under 18 years who is in the care of a residential caregiver⁵, the signatory must:

- ensure that the student's accommodation is safe, is in acceptable condition, and meets all regulatory and legislative requirements; and
- ensure that an appropriate safety check has been completed for a residential caregiver; and
- maintain effective communication with the student and his or her parent or legal guardian when accommodation issues arise, and must take responsibility for addressing those issues, including reporting them to relevant authorities and moving students to appropriate accommodation; and
- conduct sufficient student interviews and home visits to monitor and review the quality of residential care, taking into consideration the age of the student, the length of the stay, and other relevant factors; and

⁴ You can [read the new Code of Practice](#) on the Legislation website, and the MoE's [Code of Practice Amendments 2019](#) and [Background information on amendments](#)

⁵ A residential caregiver can include a licensed hostel manager or person responsible for the care of international students in a licensed hostel.

- e. ensure that the parent or legal guardian of the student has provided written agreement that the designated caregiver will be subject to the signatory's approval and that the signatory is not responsible for the student's care when the student is in the custody of the designated caregiver; and
 - f. ensure that there is appropriate separation of international students from students of different ages in the accommodation; and
 - g. ensure that the student is appropriately supervised in the accommodation.
2. In relation to an international student 18 years or over who lives in accommodation provided or arranged by a signatory, the signatory must:
 - a. ensure that the student's accommodation is safe, is in acceptable condition, and meets all regulatory and legislative requirements; and
 - b. maintain effective communication with the student when accommodation issues arise, and must take responsibility for addressing those issues, including reporting them to relevant authorities.
 3. In relation to an international student 18 years or over who arranges accommodation for himself or herself, the signatory must ensure that the student is directed to relevant advice and information that will enable the student to understand his or her rights and obligations as a tenant in New Zealand.
 4. In this clause, **accommodation issues** includes issues of health and well-being arising from a student's accommodation or connected with it.

Useful Resources

- [The Education \(Code of Pastoral Care of International Students\) Code of Practice 2016 \(external link\)](#) - NZQA website
- MoE's [Code of Practice Amendments 2019](#) and [Background information on amendments](#)
- Breaking the Cycle: Interagency Protocols for Child Abuse Management. Children and Young Persons Service 1996.
- Foreign Fee-Paying Students in New Zealand Schools (Education Review Office: 2003).
- A Review of Student Safety and Welfare in School Hostels (Education Review Office: 2003).
- Student Safety and Welfare in School Hostels (Education Review Office: 2004).
- WorkSafe's website: <http://www.business.govt.nz/worksafe/about/reform/>
- Human Rights Commission Facts Sheets (www.hrc.co.nz and go to 'resources').
- Let's Stop Child Abuse Together: An Interagency Guide to Breaking the Cycle, Child Youth and Family, 2001.
- New Zealand Qualifications Authority - Code of Practice for the Pastoral Care of International Students (www.nzqa.govt.nz)
- Fire and Emergency New Zealand: including information on [Evacuation Schemes](#)
- New Zealand Standard (NZS) 4121: 2001: Design for Access and Mobility: Buildings and Associated Facilities (www.standards.co.nz).
- New Zealand Standard (NZS) EN 5828:2004: Playground Equipment and Surfacing (www.standards.co.nz).

SECTION THREE

Personnel Compliance Guide

Key Legislation

- Education and Training Act 2020
- Education Act 1989 [Saving provisions]
- Education (Hostels) Regulations 2005.
- Employment Relations Act 2000.
- Children’s (Requirements for Safety Checks of Children’s Workers) Regulations 2015
- Human Rights Act 1993.
- New Zealand Bill of Rights Act 1990.
- Health and Safety at Work Act 2015 and regulations.
- Privacy Act 2020
- Protected Disclosures Act 2000.

Key Documents

- Relevant Collective Employment Agreements (if any).

Introduction

The employment of suitably qualified staff is one of the most important tasks of management. Sound personnel management policies should provide guidance and support for both staff and management in a variety of situations. If the hostel owner is a public body such as a school board then these policies should reflect the principles of being a good employer and promote an environment of trust and open communication.

Hostel owners should also take all reasonable steps to provide a safe and positive working environment for staff.

Education (Hostels) Regulations 2005

Staffing

Regulation 61(2) of the Education (Hostels) Regulations 2005 requires the owner of a hostel to ensure that:

- all permanent staff members are adults; and
- no staff member has been convicted of a crime involving dishonesty and sentenced for that crime within the preceding 7 years, or has been convicted of any offence involving harm to children or violence, or has been convicted of any sexual offence, or is unfit to be a staff member because of mental illness or serious behavioural problems; and
- every person employed or engaged by the owner as a children’s worker (as defined in the Children’s Act 2014) is safety checked in accordance with the CA; and who is not covered a children’s worker, but has regular access or unsupervised contact with boarders is subject to suitability check (including Police vetting) or who visits occasionally is supervised by a staff member; and
- staff and boarders are encouraged to maintain positive relationships with each other; and
- security measures are used to prevent unauthorised access to the hostel’s premises.

The hostel owner must ensure that at all times when boarders are present in the hostel, they are supervised by either a responsible person, or staff who are supervised by a responsible person.

A “*responsible person*” means a person directly involved in, and primarily responsible for, the boarders’ day-to-day care, comfort, health, and safety.

Also note earlier comments under **Section Two** of these guidelines in deciding the ratio of staff members to boarders.

Employment Relations Act 2000

The object of the Employment Relations Act 2000 is to build employment relationships through the promotion of mutual trust and confidence in all aspects of the employment environment and of the employment relationship. The Act requires that employers and employees deal with each other in good faith.

Human Rights Act 1993

The Human Rights Act is designed to help ensure that people are treated fairly. It prohibits certain discriminatory practices in relation to the employment and treatment of employees. The grounds of discrimination in section 21 of the Act include religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, sex, employment status, family status, sexual orientation and marital status.

Under the Human Rights Act, employers can be liable for sexual harassment committed by their employees. Hostel owners can work towards providing a safe physical and emotional learning environment for all by developing prevention of sexual harassment policies and procedures for boarders and staff members.

The Act uses an expanded definition of 'employment'. It applies to employees, voluntary workers, people seeking work, and contract workers. This means the Act applies to a number of people who are not covered by other employment legislation, such as the Employment Relations Act 2000, which only applies to employees. The Act covers advertisements, job applicants, employment opportunities and conditions for employees and how employees leave their employment.

Under the Human Rights Act (section 69) and the Employment Relations Act 2000 the management of a hostel may be liable for the occurrence of racial or sexual harassment, or discrimination of any hostel staff by a boarder (see further *Preventing Sexual Harassment in Schools: Human Rights Commission 1996*, and *Racial Harassment in Schools: Human Rights Commission 2001*).

Privacy Act 2020⁶

The Privacy Act is designed to ensure that there are adequate safeguards in the way organisations (including hostel management) collect, use, store and disclose information about boarders, employees and job applicants.

In relation to the manner of collection of personal information, IPP 4 states:

An agency may collect personal information only—

(a) by a lawful means; and

(b) by a means that, in the circumstances of the case (particularly in circumstances where personal information is being collected from children or young persons),—

(i) is fair; and

(ii) does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Section 22 of the Privacy Act sets out 13 information privacy principles that must be followed in relation to matters including:

- the information management collect, hold and use about employees and job applicants; and
- the information management collect, hold and use about boarder's personal matters, such as family circumstances and medical conditions.

Hostel owners must ensure that they are familiar with the principles of the Privacy Act, and that there are policies and procedures in place to ensure personal information is collected, stored, used and disclosed in accordance with those principles.

Section 201 of the Act requires every agency to appoint 1 or more individuals as privacy officers who, amongst other things, is responsible for ensuring the agency complies with the provisions of this Act.

Protected Disclosures Act 2000

If the hostel owner is a “*public sector organisation*” under the Protected Disclosures Act it is required to have in operation appropriate internal procedures for receiving and dealing with information about serious wrongdoing in or by that organisation.

It will be good practice for hostel owners who are not a “*public sector organisation*” to have similar procedures.

Useful Resources

- www.education.govt.nz
- Human Rights Commission Facts Sheets (www.hrc.co.nz and go to 'resources').

⁶ New Privacy Act applies from 1 December 2020.

SECTION FOUR

Premises and Facilities Compliance Guide

Key Legislation

- Education and Training Act 2020
- Education Act 1989 [Saving provisions]
- Education (Hostels) Regulations 2005
- Building Act 2004 and Regulations.
- Fire Safety, Evacuation Procedures and Evacuation Schemes Regulations 2018
- Building (Pools) Amendment Act 2016
- Fire and Emergency New Zealand Act 2017

Introduction

The purpose of this section is to focus on the hostel owner's attention on the provision of minimum standards for the hostel premises and facilities under Part 3 of the Education (Hostel) Regulations 2005. This section overlaps in part with **Section Two** (Health, Safety and Welfare).

Education (Hostels) Regulations 2005

Provision of necessary spaces, facilities, and equipment

Regulation 44 requires that the hostel owner, having regard to the number, age range and sex of the boarders, provide all spaces, facilities, and equipment reasonably necessary for:

- boarders' indoor and outdoor recreation;
- quiet activities (for example, study);
- food preparation;
- eating and sleeping;
- toileting, bathing, or attending to personal hygiene and changing of clothing in reasonable privacy;
- laundering of clothing;
- secure storage of boarder's personal effects;
- boarders to meet or to communicate privately (in writing or by telephone, email, or other means), with parents and other people.

Maintenance and safe use of buildings and facilities

Under Regulation 47 the hostel owner must take all reasonably practicable steps to ensure that the hostel's buildings and facilities are kept in good repair and not used in ways that endanger boarders' safety.

Fires, earthquakes, and other emergencies

Regulation 48 states that a hostel owner must ensure that:

- a. a telephone is available for emergency calls to and from the hostel; and
- b. a plan for the boarders' evacuation, care, and temporary accommodation (if required) in emergencies (whether they result in hostel buildings being unsafe or uninhabitable or not) is provided and maintained, and the evacuation procedures are prominently displayed on the hostel's premises; and
- c. all hostel staff are trained in fire and earthquake drills, and in other emergency procedures; and
- d. regular evacuation drills are carried out.

Evacuation plan to include fire evacuation scheme

Regulation 49 states that the plan required under paragraph (b) above must include an evacuation scheme that:

- e. is designed to enable evacuation from the scene of a fire safely and within a reasonable time; and
- f. satisfies all requirements (if any) imposed by or under the Fire and Emergency New Zealand Act 2017 for a fire evacuation scheme for the building or buildings concerned.

Safety and hygiene of premises, equipment, etc

The owner must ensure that the hostel's premises, and (so far as they are used by or accessible to boarders) its furniture, furnishings, fittings, flooring or other surfaces, equipment, and materials comply with all applicable New Zealand Standards; and are kept safe and hygienic (see Regulation 50).

Premises to be kept free of hazards

Every responsible person, staff member, and the owner of a hostel must ensure that, so far as is reasonably practicable, hazards to boarders' safety on the premises are corrected, repaired, otherwise removed, or made inaccessible to the boarders (see Regulation 51).

First aid

Under Regulation 52 the hostel owner must ensure that first-aid equipment and supplies to meet the needs of boarders are provided at the hostel and if the boarders are present in the hostel premises at least one staff member who holds a current first-aid certificate is available at or on or reasonably near the hostel premises.

The above requirement does not limit or affect any duty imposed on an employer (in this case the hostel owner or licensee as employer of hostel staff) by regulations under the Health and Safety in Employment Act 1992 to take all practicable steps to provide first-aid facilities at the place of work (that is, the hostel premises).

Building Act 2004

Refer to comments under **Section Two**

Useful Resources

- *New Zealand Standard (NZS) 4121: 2001: Design for Access and Mobility: Buildings and Associated Facilities* (www.standards.co.nz).
- *Fire and Emergency New Zealand*: including information on [Evacuation Schemes](#)

**HOSTEL ASSURANCE STATEMENT
AND SELF-AUDIT CHECKLISTS**

AUGUST 2020

Completing the Self-Audit Checklists and Hostel Assurance Statement

As part of the review process, the Education Review Office (ERO) asks hostel owners and licensees to complete the attached **Self-Audit Checklist** and a **Hostel Assurance Statement (HAS)**. The information in each of these documents helps ERO in the scoping and planning of the review.

The accuracy and validity of the information you give in the Checklists and the HAS is important for the focus of the review.

Completing the Checklists and the HAS should be a useful process for your own self-review. Please read the Hostel Assurance Guidelines and the *Education (Hostels) Regulations 2005*⁷ before completing these forms.

How to fill in the Checklists

The Checklists covers requirements of key interest to ERO in the following areas:

- Administration
- Health, Safety and Welfare
- Personnel
- Premises and Facilities.

Please complete each sheet and add any further comments or explanations on the sheet of paper provided. Please use extra paper if you need to. Attach any explanations or matters you are unsure about to the relevant sheet.

How to fill in the Hostel Assurance Statement

After you have completed all the Checklist sheets please complete and sign the HAS. The second page of the HAS is for your management to note areas where you are aware that you are not meeting legal requirements. There is space for you to outline the circumstances and the action you are taking on each issue. This information will be very useful for you as well as for the review.

Please remember to attach your Checklists to your Hostel Assurance Statement.

⁷ Note: this Regulations continue to apply under clause 4, Schedule 1 [Saving provisions - [Legislative instruments continued](#)] of the Education and Training Act 2020. [Education \(Hostels\) Regulations 2005](#) – www.legislation.govt.nz

Hostel Assurance Statement

To: The Chief Review Officer
 Education Review Office

From: The Hostel Owner

_____ (Hostel)

Compliance Certification

Have the hostel owner and licensee taken all reasonable steps to meet the legal requirements including those detailed in Ministry of Education Circulars and other documents related to:

| Compliance Area | | Yes | No | Unsure |
|-----------------|----------------------------|-----|----|--------|
| 1 | Administration | | | |
| 2 | Health, Safety and Welfare | | | |
| 3 | Personnel | | | |
| 4 | Premises and Facilities | | | |

Areas of self-identified non-compliance and actions to be taken: see next page.

Attestation

The hostel owner and manager have taken all reasonable steps to meet their legal requirements including those detailed in Ministry of Education Circulars and other documents. Where non-compliance has been identified, measures are being taken to remedy this.

Hostel Owner

| | | |
|------|-----------|------|
| Name | Signature | Date |
|------|-----------|------|

Hostel Manager

| | | |
|------|-----------|------|
| Name | Signature | Date |
|------|-----------|------|

This page is for you to note areas where you are aware that you are not meeting legal requirements and to advise ERO of any action you are taking.

Identified area(s) of non-compliance:

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Action being taken to address non-compliance:

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Self-Audit Checklist

Section 1 – Administration

What does ERO want to know?

ERO wants to know that the hostel owner has, among other things, written policies and operating procedures to manage the hostel to support a positive learning environment for boarders as set out in the Education (Hostels) Regulations 2005 Code of Practice.

| Please tick all questions including bullet points or write N/A if not applicable. | | Yes | No | Unsure |
|---|---|-----|----|--------|
| 1 | Does the hostel meet the requirement to accommodate no more than the maximum number of boarders specified in the licence? [Ref: <i>Regulation 22</i>] | | | |
| 2 | Does the licensee have on display, in a place easily inspected by visitors: | | | |
| | • the hostel licence? and | | | |
| | • the full name of each responsible person in the hostel? and | | | |
| | • a notice, which explains the licensee’s duties under Regulation 26? and | | | |
| | • a notice which explains a procedure for handling complaints made by boarders or boarders’ parents? [Reference: <i>Regulation 25</i>] | | | |
| 3 | • Has the licensee received any formal directions from the Ministry of Education [MOE] under regulation 28 to eliminate non-compliance? | | | |
| | • If so, has the formal direction been displayed for inspection by visitors? | | | |
| | • Has the formal direction from the MOE been revoked under Regulation 31? [Write N/A if not applicable] | | | |
| 4 | Does the hostel owner have written policies and operating procedures to ensure that the boarders: | | | |
| | • are supported in a positive learning environment? | | | |
| | • are given the opportunity to develop positively within reasonable boundaries? | | | |
| | • feel secure and valued? | | | |

| | | | | |
|---|--|--|--|--|
| | <ul style="list-style-type: none"> have ready access to people they can trust, confide in, and are supported in raising problems and issues of concern to them? | | | |
| | <ul style="list-style-type: none"> have ready access to, and a degree of choice about health and other personal services they require? <p>[Ref: Regulation 54(1)]</p> | | | |
| 5 | <p>Is a copy of the policies and operating procedures available for inspection and copying by staff, boarders or boarders' parents?</p> <p>[Ref: Regulation 54(3)]</p> | | | |
| 6 | <p>For the purposes of question 4 do these policies include a policy on hostel relationships (e.g. between boarders or boarders and staff) and protection from ill-treatment in terms of Regulation 55?</p> | | | |
| 7 | <p>Have the hostel's policies and procedures been reviewed by the owner, including reasonably practicable steps to consult with the boarders and their parents, at least once every 3 years?</p> <p>[Ref: Regulation 57]</p> | | | |
| 8 | <p>Is there for every boarder living in the hostel a record of:</p> <p>a. the boarder's name, date of birth, home address or addresses?</p> | | | |
| | <p>b. the name and, if it differs from the boarder's address, the home address of all guardians of the boarder?</p> | | | |
| | <p>c. the place at which, or the means by which, at least 1 guardian of the boarder (or a person nominated by a guardian of the boarder) may be reached while the boarder is accommodated at the hostel?</p> | | | |
| | <p>d. particulars of every accident and every illness occurring to or experienced by the boarder while at the hostel, and of any action taken in response?</p> | | | |
| | <p>e. details of any chronic illness from which the boarder suffers, and of any medication the boarder has to take as a result?</p> | | | |
| | <p>f. details of all medicines of any kind administered by hostel staff to the boarder while at the hostel, the occasions on which they were administered, and by whose authority they were administered?</p> | | | |
| | <p>g. the names and addresses of people who (by direction of a person who has the role of providing the day-to-day care for, or custody of, the boarder) should be consulted if the boarder is ill or injured?</p> | | | |

| | | | | |
|----|---|--|--|--|
| | <p>h. the names and addresses of the people authorised by a guardian of the boarder to collect the boarder from the hostel; and people who by law:</p> | | | |
| | <p>i. are entitled to have contact with, or access to the boarder; or</p> | | | |
| | <p>ii. are forbidden to have contact with, or access to the boarder; or have an entitlement to have contact with, or access to, the boarder, that is subject to conditions.</p> <p>[Ref: Regulation 59]</p> | | | |
| 9 | <p>Has the owner ensured that the records in question 8 are:</p> <ul style="list-style-type: none"> • created and maintained with an appropriate degree of confidentiality? • retained until at least one year after the boarder ceases to be accommodated at the hostel? or • retained as required under the Public Records Act 2005 if the owner is a public office under the Act? <i>[Write N/A if not applicable]</i> • available at any reasonable time for inspection by persons appointed under the Education and Training Act 2020? <p>[Ref: Regulation 60]</p> | | | |
| 10 | <p>Has the owner established a procedure for resolving complaints by a boarder, boarder’s parents, or school board about the hostel under Part 5 of the Hostel Regulations?</p> <p>[Ref: Regulations 67 – 70]</p> | | | |

Self-Audit Checklist

Section 2 – Health, Safety and Welfare

What does ERO want to know?

ERO wants to know that the hostel owner is taking all reasonably practicable steps to provide a safe physical and emotional environment that supports learning for boarders and complies with minimum standards under the Education (Hostel) Regulations 2005.

| Please tick all questions including bullet points | | Yes | No | Unsure |
|---|---|-----|----|--------|
| 1 | Has the owner ensured that, so far as necessary to ensure boarders' safety: | | | |
| | <ul style="list-style-type: none"> • the hostel's premises are lit by natural and artificial light? and • its buildings are heated and ventilated? [Ref: Regulation 45] | | | |
| 2 | Has the owner ensured that there is in place at the hostel a system for ensuring the hygienic laundering of boarders' sheets and bath towels, and of other cloths, linen, or towels used in or as part of their bedding or bathing? [Ref: Regulation 46] | | | |
| 3 | Has the hostel owner ensured that: | | | |
| | a. first-aid equipment and supplies to meet all reasonably foreseeable first-aid needs of the boarders are provided, maintained and ready for use? and b. at least one staff member with a current first-aid certificate is available if the boarders are in the hostel? [Ref: Regulation 52] | | | |
| 4 | Has the hostel owner established a procedure for granting the boarders leave of absence from the hostel in accordance with Regulation 56? | | | |
| 5 | Does the hostel owner comply with Regulation 58 in relation to abuse, harassment, or serious neglect of boarders? | | | |
| 6 | Does the owner ensure that there are enough hostel staff or other adults with the boarders on any excursion or activity outside the hostel to ensure the safety of boarders in accordance with Regulation 62? | | | |

| | | | | |
|---|--|--|--|--|
| 7 | Does the owner of the hostel ensure that: | | | |
| | a. food is served in the hostel at such times, and in such variety, quantity, and quality as to meet the boarders' nutritional needs? and | | | |
| | b. food is free of, and adequately protected against contamination when stored, prepared and served? and | | | |
| | c. an ample supply of potable water is available at all times to boarders for drinking? [Ref: Regulation 63] | | | |
| 8 | Does the owner comply with Regulation 64 in relation to: | | | |
| | a. a boarder or hostel staff suffering from or suspected to be suffering from an infectious disease? | | | |
| | b. a boarder or member of hostel staff exposed to an infectious disease? | | | |
| | c. all information requested by the Medical Officer of Health or an environmental health officer concerning cases of infectious disease? | | | |
| | d. taking all reasonably practicable steps to ensure that every person working in any capacity in the hostel is in good health and not suffering from any infectious disease and that a boarder does not come into contact with such persons? [Write N/A if the situation has not arisen] | | | |
| 9 | For the protection and promotion of health under regulation 65 does the hostel owner ensure: | | | |
| | a. that the hostel has available an area and facilities for the temporary isolation and care of at least one sick boarder? | | | |
| | b. that all reasonably practicable steps are taken to get medical aid and to notify a parent or other appropriate family member of the boarder in the case of an accident or serious illness? | | | |
| | c. that all reasonably practicable steps are taken to facilitate access by a boarder, at the boarder's expense, to a full range of general health and other support services? | | | |
| | d. that all reasonably practicable steps are taken to ensure that no member of the hostel staff and no boarder at the hostel uses or is affected by alcohol or any other substances to the extent that it is an actual or potential cause or source of harm to the person or others? | | | |

| | | | | |
|----|--|--|--|--|
| 10 | Does the hostel owner ensure that a boarder's parent can have contact with, or access to, the boarder whenever the boarder is present at the hostel and no good reason under Regulation 66(2) exists to deny contact or access? | | | |
| 11 | <p>Has the hostel owner documented and implemented policies and procedures to ensure compliance with the <i>Education (Pastoral Care of International Students) Code of Practice 2016</i> which applies from 1 July 2016*?</p> <p>(read the new Code of Practice on the Legislation website)</p> <p>[*Note for more information go to New Zealand Qualifications Authority - Mana Tohu Mātauranga o Aotearoa (external link)]. The MoE's Code of Practice Amendments 2019 and Background information on amendments</p> | | | |

Self-Audit Checklist

Section 3 - Personnel

What does ERO want to know?

ERO wants to know that boarders are supervised by suitable people and that the hostel owner is complying with Part 4 of the Education (Hostels) Regulations 2005 and relevant legislation in relation to staffing.

| Please tick all questions including bullet points | | Yes | No | Unsure |
|---|---|-----|----|--------|
| 1 | Has the hostel owner ensured boarders or staff members who supervise them in the hostel are at all times supervised by a responsible person as required under regulation 61(1)? | | | |
| 2 | Has the hostel owner ensured that: | | | |
| | a. all permanent staff members are adults; | | | |
| | b. no staff member has been convicted of a crime involving dishonesty and sentenced for that crime within the preceding 7 years; or | | | |
| | c. no staff member has been convicted of any offence involving harm to children or violence; or | | | |
| | d. no staff member has been convicted of any sexual offence, or is unfit to be a staff member because of mental illness or serious behavioural problems/ | | | |
| | e. every person employed or engaged by the owner: | | | |
| | i. as a children's worker (as defined by s 23 Children's Act 2014) is safety checked in accordance with the CA; and | | | |
| | ii. who is not covered by paragraph (i), but has regular access to the hostel or has unsupervised contact with boarders is the subject of a suitability check (including Police vetting); and | | | |
| | f. who is not covered by paragraph (i) and (ii) above, but who visits the hostel occasionally, is supervised by a staff member; and | | | |
| | g. every person not employed or engaged by the hostel, and who is not a boarder or a parent of a boarder: | | | |
| | i. who has regular access to the hostel or has unsupervised contact with boarders is the subject of a suitability check (including Police vetting); and | | | |

| | | | | |
|---|--|--|--|--|
| | <p>ii. who is not covered by subparagraph g(i), but who visits the hostel occasionally, is supervised by a staff member; and</p> | | | |
| | <p>h. staff and boarders are encouraged to maintain positive relationships with each other?</p> | | | |
| | <p>i. security measures are used to prevent unauthorised access to the hostel's premises? [Regulation 61(2)]</p> | | | |
| 3 | <p>Have the following persons, if they have regular access to the hostel or unsupervised contact with boarders, provided the Ministry of Education with a Police vet:</p> <ul style="list-style-type: none"> • the owner, if he/she is an individual; | | | |
| | <ul style="list-style-type: none"> • any director or person concerned in the management if the owner is a body corporate. [Regulation 61(2A)] | | | |
| 4 | <p>Does the hostel owner ensure that the hostel is at all times staffed with a ratio of staff to boarders present at the hostel that ensures the safety of those boarders having regard to:</p> <p>a. the number of boarders, their ages and needs? and</p> | | | |
| | <p>b. the nature (including the locations and times of day) of their activities? and</p> | | | |
| | <p>c. the training and qualifications of the staff or other adults concerned? [Regulation 61(3)]</p> | | | |
| 5 | <p>Are all personnel policies/procedures regularly reviewed to ensure compliance with legislation, including the non-discrimination provisions in the Human Rights Act?</p> | | | |
| 6 | <p>Are there policies or procedures in place to ensure the requirements of the Privacy Act 2020 are met in terms of boarders and hostel staff?</p> | | | |
| 7 | <p>Are there appropriate internal procedures for receiving and dealing with information about serious wrongdoing under the Protected Disclosures Act 2000? [Note: It is compulsory to have such procedures if the hostel owner is a public sector agency, and in all other cases it will be good practice]</p> | | | |

Self-Audit Checklist

Section 4 – Premises and Facilities

What does ERO want to know?

ERO wants to know that the hostel’s premises and facilities are suitable for use and comply with the minimum standards for hostel premises and facilities under the Education (Hostels) Regulations 2005 and related legislation.

| Please tick all questions and bullet points | | Yes | No | Unsure |
|--|---|-----|----|--------|
| 1 | Does the owner, having regard to the number, age range, and sex of the boarders, provide spaces, facilities, and equipment reasonably necessary for: | | | |
| | a. boarders’ indoor and outdoor recreation (whether as individuals or in groups); and | | | |
| | b. quiet activities (for example, study); and | | | |
| | c. food preparation; and | | | |
| | d. eating; and | | | |
| | e. sleeping; and | | | |
| | f. toileting, bathing, or otherwise attending to personal hygiene and changing of clothing, in reasonable privacy; and | | | |
| | g. laundering of clothing; and | | | |
| | h. secure storage of boarders’ personal effects; and | | | |
| i. boarders to meet, or to communicate privately (in writing or by telephone, email, or other means), with parents and other people. (Ref: Regulation 44) | | | | |
| 2 | To ensure the safety of the boarder’s: | | | |
| | <ul style="list-style-type: none"> • are the hostel’s premises lit by natural and artificial light; and • are its buildings heated and ventilated. (Ref: Regulation 45) | | | |

| Please tick all questions and bullet points | | Yes | No | Unsure |
|---|---|-----|----|--------|
| 3 | Has the hostel owner taken all reasonably practicable steps to ensure that the hostel's buildings and facilities are: | | | |
| | a. kept in good repair; and | | | |
| | b. not used in ways that endanger boarders' safety. (Ref: Regulation 47) | | | |
| 4 | Under regulations 48 and 49 has the hostel owner ensured that– | | | |
| | a. a telephone is available for emergency calls to and from the hostel; | | | |
| | b. a plan for the boarders' evacuation, care, and temporary accommodation (if required) in emergencies (whether they result in hostel buildings being unsafe or uninhabitable or not) is provided and maintained, and the evacuation procedures are prominently displayed on the hostel's premises; | | | |
| | c. the evacuation plan in paragraph (b) above, includes an evacuation scheme designed to enable evacuation from the scene of a fire safely and within a reasonable time; and | | | |
| | d. the evacuation scheme satisfies all requirements (if any) imposed by or under the Fire and Emergency New Zealand Act 2017 for a fire evacuation scheme for the building(s) concerned; | | | |
| | e. all hostel staff are trained in fire and earthquake drills and in other emergency procedures; | | | |
| | f. regular evacuation drills are carried out. | | | |
| 5 | Has the owner in terms of Regulation 50 ensured that the hostel's premises, and its furniture, furnishings, fittings, flooring or other surfaces, equipment, and materials– | | | |
| | a. comply with all applicable New Zealand Standards; | | | |
| | b. are kept safe and hygienic? | | | |
| 6 | Has every responsible person, staff member and the hostel owner ensured that the hostel premises are kept free of hazards in accordance with regulation 51? | | | |
| 7 | Do the hostel premises have a current building warrant of fitness (under section 108 of the Building Act 2004)? | | | |

