



# Supervision Toolkit



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## **Purpose of supervision**

The Immigration Advisers Authority's practical experience requirements are geared towards producing highly competent immigration advisers who are able to add value for their clients and employers.

Supervisors play an important role in supporting and developing provisional licence holders as they gain the practical experience necessary to become holders of a full immigration adviser licence.

As a supervisor, your role is to add value to the provisional licence holder by sharing your experience, knowledge and wisdom.

A provisional licence allows a person to provide immigration advice on all immigration matters while working under the direct supervision of a licensed immigration adviser (an adviser) with a full licence.

A robust supervision arrangement should:

- give a provisional licence holder's clients access to the same standard of full, accurate, competent and ethical advice that would be received by a full licence holder's clients
- facilitate the education and professional development of provisional licence holders so that they may develop the skills and competencies required for a full licence
- facilitate the education and professional development of supervisors by providing them with the opportunity to develop leadership and training skills in their areas of expertise.

All provisional licence applicants must have completed at least half of Toi Ohomai Institute of Technology's<sup>1</sup> Graduate Diploma in New Zealand Immigration Advice. New advisers are required to hold a provisional licence for two years before they may upgrade to a full licence.

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<sup>1</sup> Toi Ohomai Institute of Technology was formerly the Bay of Plenty Polytechnic and Waiariki Bay of Plenty Polytechnic. Approved qualifications and courses issued by these organisations are also recognised.

## **What is direct supervision?**

Section 19(5) of the Immigration Advisers Licensing Act 2007 (the Act) requires that a person who holds a provisional licence must work under the direct supervision of an immigration adviser who holds a full licence.

Direct supervision should include the supervisor monitoring formal documentation and correspondence from the provisional licence holder to clients, Immigration New Zealand and tribunals as well as other key documents such as eligibility assessments.

The supervisor and the provisional licence holder must meet regularly. These meetings should:

- discuss client cases and immigration law and policy
- ensure the provisional licence holder is working within the scope of their knowledge and skills
- ensure that documentation is being monitored by the supervisor
- identify the provisional licence holder's learning needs
- develop and monitor the professional licence holder's professional development plan.

When a supervisor enters into a supervision agreement with a provisional licence holder, they should monitor all key and formal documentation and correspondence prior to it being sent. The supervisor should ensure the provisional licence holder makes any necessary changes.

When the supervisor is confident that the provisional licence holder is competent in particular tasks, they may monitor those tasks after they have been sent.

Ideally, over the two-year period the provisional licence holder would become more independent but still have key and formal documentation and correspondence monitored.

If issues arise during monitoring, the supervisor should go back to reviewing documentation prior to it being sent.

The purpose of supervision is to give a provisional licence holder's clients access to the same standard of full, accurate, competent and ethical advice that would be received by a full licence holder's clients.

Direct supervision must continue when the primary supervisor is away or unavailable so it is recommended that the supervision agreement includes provision for an alternative full licence holder to act in the supervision role in the absence of the primary supervisor.

The provisional licence holder and the supervisor must also develop and agree on a professional development plan for the provisional licence holder.

## **Distance supervision**

The Authority recognises that provisional licence holders may live or work in a geographic location where there are few or no supervisors available to supervise them. Remote supervision, including supervision across time zones, may take place if a provisional licence applicant and a supervisor do not share the same geographic location.

Remote supervision across distance and time zones requires time and planning. If a provisional licence applicant seeks remote supervision, they must commit to do everything possible to make the relationship and the communications work.

Physical proximity between the provisional licence holder and the supervisor may mean that either party can travel and meet regularly in person. However, in some situations the provisional licence holder and supervisor may find it difficult to meet in person on a regular basis. They may facilitate direct supervision by staying in regular contact over the telephone, email, video conferencing or other electronic method. Both parties should keep a record of important conversations and emails.

## **What are my responsibilities as a supervisor?**

Under clause 12 of the Licensed Immigration Advisers Code of Conduct 2014 (the Code), the supervisor must:

- hold a full immigration adviser licence
- ensure that any supervision fees charged are fair and reasonable in the circumstances
- act in accordance with the supervision agreement as approved by the Registrar
- preserve the confidentiality of the provisional licence holder's clients
- where there is a close personal relationship with the provisional licence holder, ensure this does not compromise the supervision agreement between the parties
- inform the Registrar when any notice is given that the supervision agreement is to be terminated.

Supervisors must inform the provisional licence holder immediately if their licence expires, or is cancelled, surrendered or suspended.

### **Expectations of a supervisor**

In order to be a supervisor, the Registrar would also expect you to:

- have sufficient experience as an immigration adviser
- provide direct supervision only within the scope of your own knowledge and skills
- provide direct supervision on the basis that you have supervision, leadership or management experience, and/or have completed a relevant training course
- have the ability to advise and provide direction to the provisional licence holder
- be available for regular consultation and meetings
- have current knowledge of issues facing the profession
- have an interest in supervising future full licence holders.

There is no limit placed on how many provisional licence holders a person can supervise at any one time. However the Registrar expects that supervisors consider their ability and capacity to be able to effectively supervise more than one provisional licence holder at a time.

Note: The Immigration Advisers Licensing Act requires supervisors to hold a full immigration adviser licence. This means that New Zealand lawyers cannot be supervisors as they are prohibited from being licensed. Lawyers are bound by their own rules of conduct and it is important that supervisors are able to coach and mentor provisional licence holders in regard to the requirements and code of conduct for licensed immigration advisers.

## What is a fair and reasonable supervision fee?

Under Clause 12 of the Code, a supervisor must ensure that any fees charged are fair and reasonable in the circumstances.

Supervisors who breach this requirement are at risk of a complaint being made to the Authority.

As with other fees charged, supervision fees need to be justifiable.

Many new advisers wonder whether supervision fees should be charged on a percentage or at an hourly rate. There is no right or wrong answer to that question and both approaches are taken.

Supervision agreements should be very clear on what supervision fees will be charged:

- If the supervision fee is an hourly rate, it should be clear whether that will be applied to formal meetings only or emails and phone calls also.
- If the supervision fee is a percentage of the client's fee, it should be clear what standard client fees will be.
- If there are to be no fees charged, this must be clearly stated.

Here are some examples of considerations that may be taken into account when setting a supervision fee, or assessing whether one is fair and reasonable:

- How much time the supervisor will spend on supervision. This will depend on a number of factors including the provisional licence holder's caseload, level of experience and competence, as well the frequency of supervision agreed.
- What level of fees the provisional licence holder will charge (20% of \$200 is significantly less than 20% of \$1000). It is important that a supervision arrangement is sustainable for both parties. The prospective provisional licence holder should be clear on what their budget is. For more information on this see <http://iaa.govt.nz/code-toolkit/18.asp>
- The level of experience of the supervisor.
- Whether the supervisor or the provisional licence holder will be generating the clients.
- The quality and value of the supervision. As with the Graduate Diploma, supervision is an investment in a new adviser's career and/or business. Many advisers talk about past supervision as an extremely helpful and rewarding experience.

Note that not all supervisors charge for supervision on the basis that they want to give back to the profession; it is not a requirement to charge.

## **What are my responsibilities as a provisional licence holder?**

Under clause 13 of the Code, provisional licence holders must:

- act in accordance with the supervision agreement as approved by the Registrar
- inform the Registrar when any notice is given that the supervision agreement is to be terminated
- not give immigration advice for any period of time in which they do not have in place a supervision agreement approved by the Registrar
- provide any new supervision agreement to the Registrar for approval.

Other responsibilities specific to provisional licence holders within the Code are:

- clause 8(a) – they must work within the scope of their individual knowledge and skills, or under direct supervision if a provisional licence holder, or refer the client to another professional
- clause 8(c) – they must explain to the client that a provisional licence requires them to work under the direct supervision of a full licence holder, and they must seek advice from the supervisor whenever necessary
- clause 11 – they must have a supervision agreement in place that is approved by the Registrar
- clause 18(c) – their written agreements must contain:
  - a record that their provisional licence requires them to work under the direct supervision of a full licence holder, and that they must seek advice from the supervisor whenever necessary
  - the name and licence number of their supervisor
  - a record that they will disclose the client’s personal information to their supervisor who is obliged to keep that information confidential (by virtue of clause 12(d)).



## **How do I find a supervisor / provisional licence applicant?**

Whether you are looking for a supervisor, or someone to supervise, it is vital that you approach it in a respectful and professional way and expect a professional relationship. Both parties should approach it as they would employment and expect a professional CV, cover letter and interview.

### **Provisional licence applicants looking for a supervisor**

Provisional licence applicants who are looking for a supervisor can:

- Check Toi Ohomai Institute of Technology's student forum for advertisements
- Approach immigration adviser professional organisations who could potentially put them in contact with a supervisor
- Network at industry group events
- Approach licensed immigration advisers in their area with a professional cover letter and CV and expect that if a person is interested they would first conduct an interview with you.

Provisional licence applicants should expect that they will need to approach a number of advisers before being successful. If they are having difficulty, it may be helpful to consider getting some training on how to prepare a CV and cover letter and how to interview well.

### **Supervisors looking for a provisional licence applicant**

Supervisors who are looking for a provisional licence applicant to supervise can advertise directly to Toi Ohomai Institute of Technology's students.

Advertisements must contain the following information:

- name and contact details of the company or organisation (often on company letterhead)
- name and details of the contact person
- description of the supervision being offered (including location)
- description of the type of person required
- dates e.g. when posted, when applications close, potential start date (optional).

This type of advertisement will be posted on Toi Ohomai Institute of Technology's student programme page along with a disclaimer that Toi Ohomai and members of the Immigration teaching team take no responsibility for the details contained in the advertisements and will not act in any way for either the student or the employers.

To place an advertisement email: [Appley Boyd <Appley.Boyd@toiohomai.ac.nz>](mailto:Appley.Boyd@toiohomai.ac.nz)

Supervisors may also approach their immigration adviser professional organisation which may be able to advertise available supervisors to its members.

Consider a provisional licence applicant as you would a prospective employee - expect a professional cover letter and CV and to interview the person.

## **Establishing a supervision arrangement**

Supervision will be successful if it is planned carefully in a professional way. Both the supervisor and provisional licence applicant should formally plan how the objectives of the supervision programme can be achieved in a way that clarifies each other's expectations.

At the outset, it is important that both parties agree on:

- when and how often you will both meet to review progress
- what you should bring to meetings
- what "style" of supervision will suit both parties
- what you should expect of each other
- the goals and outcomes from the relationship
- who is responsible for what.

## **Developing a supervision agreement**

Under clause 11 of the Code, a provisional licence holder and their supervisor must have a supervision agreement in place that is approved by the Registrar.

The provisional licence applicant must develop a supervision agreement with their proposed supervisor and provide a signed copy of their agreement to the Registrar for approval with their licence application.

All supervision agreements must contain:

- the names and details of each party to the agreement
- the purpose of the agreement
- details of the supervision arrangement, including details of how direct supervision will take place
- the agreement of the employer of the provisional licence holder and/or the supervisor, where either parties are not the employer
- what the charges for the supervision arrangement are, including if there are no fees to be charged
- a professional development plan for the provisional licence holder
- the roles and responsibilities of the provisional licence holder and the supervisor
- agreement by both parties to abide by the Code
- any conflicts of interest either party may have, or close personal relationship the two parties may have with each other and how they will manage these
- agreement on how disputes will be resolved
- agreement to keep records relating to the supervision arrangement for inspection by the Authority
- a notice period for termination by either party

- the date and signatures of both parties and the provisional licence holder’s employer (if this is not the supervisor) and the supervisor’s employer (if applicable).

The Authority has developed a [model supervision agreement](#). However, it is important that you tailor this to accurately reflect the actual agreement between the provisional licence holder and the supervisor.

Remember that all supervision agreements must contain:

- any supervision fee to be charged or a note that there will be no charges
- how often the provisional licence holder and supervisor will meet
- a professional development plan for the provisional licence holder.

So you don’t have to seek approval for an new supervision agreement in the event your supervisor is unavailable, it is strongly recommended that the supervision agreement includes an alternative full licence holder to act in the supervision role in the absence of the supervisor.

## **Can I have more than one supervisor?**

A provisional licence holder may choose to have more than one separate supervision arrangement. This may occur, for example, where a provisional licence holder has two part-time jobs.

Each supervision arrangement will need to meet the requirements set out in this Toolkit and be approved by the Registrar.

The provisional licence holder will be required to have a primary supervisor, and this supervisor will be named on the register of licensed immigration advisers.

Each supervision agreement will need to acknowledge the existence of the other supervision agreement.

The Registrar will need to be satisfied that processes are in place to ensure the provisional licence holder is supervised at all times.

It is strongly recommended that all supervision agreements include an alternative full licence holder to act in the supervision role in the absence of the supervisor, so that you don’t have to seek approval for a new supervision agreement in the event your supervisor is unavailable.

## **How do I apply for a provisional licence?**

You may apply for a provisional licence online at [www.iaa.govt.nz](http://www.iaa.govt.nz) .

Applicants are required to provide:

- details about themselves
- a signed supervision agreement
- an acknowledgement and declaration
- details about the supervisor
- the supervisor's acknowledgement and declaration

See the [Licensing Toolkit](#) for more information about applying for your licence.

## Keeping records

Both provisional licence holders and supervisors must keep records relating to the supervision arrangement. The provisional licence holder and their supervisor are encouraged to develop template documents to record the supervision. Records should include:

- the supervision agreement, as approved by the Registrar
- a list of client files for which the supervisor is providing direct supervision
- the provisional licence holder's professional development plan and record
- minutes of supervision meetings.

Minutes of supervision meetings should include:

- the date of when the meeting occurred
- the aims and learning outcomes for the session, relevant to the adviser's CPD plan
- details about the topics or cases that were discussed
- progress towards professional development goals
- any actions that are to be taken as a result of the meeting.

In accordance with section 57 of the Act, the Registrar may inspect these records.

A supervision minutes template is available [here](#).

## **Professional development**

Provisional licence holders should discuss and agree their CPD plan with their supervisor at the beginning of their relationship and review it regularly.

The professional development plan should set goals and objectives and assign indicative timeframes for these to be achieved. The [CPD Toolkit](#) sets out the Authority's requirements and guidelines relating to CPD plans and records.

For either providing or receiving supervision to be counted towards an adviser's CPD hours each year it must:

- Be related to the Immigration Advisers Competency Standards or the Licensed Immigration Advisers Code of Conduct.
- Be structured with identifiable aims and learning outcomes relevant to an adviser's identified learning needs as contained in his or her CPD plan and record.
- Provide advisers with an opportunity for interaction and feedback.
- Be verifiable by documentation.

The aims and learning outcomes of a supervision session should be documented in the supervision minutes and clearly relate to the adviser's learning needs as documented in their CPD plan.

Both advisers should take a few minutes at the end of each supervision session to reflect on it and record their reflections in their CPD record.

## Training Log

A training log is an **optional tool** that could be used to record practical experience to show how a provisional licence holder is progressing with their day to day responsibilities and in meeting objectives within their professional development plan.

This record may help provide the basis for monitoring progress.

A training log's record of evidence could show:

- competencies that have been developed
- activities that have contributed to achieving competence
- competencies signed off by a supervisor.

A provisional licence holder should note any particular issues that have been challenging or have raised specific professional or ethical issues. This will help both parties to focus on key areas of development.

When discussing achievement, both parties should take account of:

- experience achieved since the previous meeting
- work that needs further development before appropriate competence is achieved
- work that had been planned but not completed.

A training log template is available [here](#).

## What do I do if I want or need to change supervisors?

Under clause 13 of the Code, provisional licence holders must:

- act in accordance with the supervision agreement as approved by the Registrar
- inform the Registrar when any notice is given that the supervision agreement is to be terminated
- not give immigration advice for any period of time in which they do not have in place a supervision agreement approved by the Registrar
- provide any new supervision agreement to the Registrar for approval.

You may submit a request to change your supervisor online at [iaa.govt.nz](http://iaa.govt.nz) under “My profile”. You must upload a new supervision arrangement and a completed [Form 101A: Supervision Arrangement Application](#).

Please note that you will not be able to renew your licence unless you have an approved supervision agreement in place.



## How do I renew my provisional licence?

You may renew your provisional licence online at [www.iaa.govt.nz](http://www.iaa.govt.nz).

**To complete a renewal you must have an approved supervision agreement in place.**

You will complete a fast-track renewal application unless you have been informed that you are to be inspected.

If you have been informed that you are to be inspected you will be required to upload:

- a signed supervision agreement
- supervision minutes
- the supervisor's acknowledgement and declaration.

See the [Licensing Toolkit](#) for more information about renewing your licence.

## How do I upgrade my provisional licence?

If you began studying towards the Graduate Certificate in New Zealand Immigration Advice in or before February 2015 you may apply to upgrade at any time once you have completed the Graduate Certificate.

If you began studying towards the Graduate Certificate or Graduate Diploma in New Zealand Immigration Advice after February 2015 you must hold your provisional licence for two years and have completed and passed either the Graduate Certificate or Diploma in New Zealand Immigration Advice.

You may not apply to upgrade your licence more than three weeks before you have held a provisional licence for 24 months. The Registrar's decision will not be sent until you have held a provisional licence for 24 months.

To upgrade your licence you are required to use our paper form available [here](#).

See the [Licensing Toolkit](#) for more information about upgrading your licence.