

# NZQA

New Zealand Qualifications Authority

Mana Tohu Matauranga O Aotearoa

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## Decision regarding statutory actions publication

03 Jul 2017

The New Zealand Qualifications Authority (NZQA) recently consulted on a proposal to publish statutory actions against Tertiary Education Organisations (TEOs) on the NZQA website.

The feedback NZQA received from this survey has been analysed, and a decision has been made to publish summaries of statutory actions NZQA has taken against TEOs, including current compliance notices, on our website.

This information can be found [here](#).

When making this decision NZQA took into consideration the consultation feedback. The majority of respondents agreed with publishing statutory actions information, and most recommended the information be published in summary form.

This is a move towards greater transparency and accountability of education organisations. As the New Zealand Qualifications Authority and the Code Administrator, NZQA has the statutory right to publish a compliance notice it has applied in order to inform the public under the Education Act 1989.

While other types of statutory actions are not explicitly referred to in the Act, this does not prevent their publication.

Publishing this information provides domestic and international students, and the wider public, with more complete and accurate information on any regulatory decisions made by NZQA.

Students, parents and whānau will have access to broader information on the performance and/or compliance of an education organisation before deciding where to study, regardless of whether it is a private training establishment (PTE), a polytechnic/institute of technology, a wānanga, a school, or a university.

These statutory actions will be in relation to the activities of a non-university tertiary education organisation or an Education (Pastoral Care of International Students) Code of Practice 2016 (the Code) signatory.

A summary of the survey feedback, and the decision, can be found on [NZQA's website](#).

## Questions and answers

### What are statutory actions?

Statutory action is corrective action taken in accordance with the provisions of:

- the Education Act 1989 (the Act)
- NZQA Rules (made under section 253 of the Act) (the Rules)
- and the Education (Pastoral Care of International Students) Code of Practice 2016 (the Code).

When a non-university TEO or a Code signatory is not compliant with the Act, NZQA Rules and/or the Code, NZQA is empowered to use a range of statutory actions, where relevant and applicable, including:

- Issue compliance notices to direct the organisation to do (or refrain from doing) something specific (e.g. ensure that the organisation's student files are accurate and complete by a given date).
- Impose conditions to specify constraints that the organisation will be subject to (e.g. submit extra assessment materials for moderation and demonstrate improved moderation results, or (for Code signatories) stop enrolling new international students).
- Withdraw consent to assess against standards or accreditation to deliver a programme.
- Remove the Code signatory status, so that the Code signatory cannot enrol new international students, or continue to have any existing international students enrolled.
- Cancel the registration of a private training establishment (PTE).

### **When does NZQA use statutory action?**

NZQA uses statutory action only after:

- weighing up the seriousness and extent of the identified non-compliance, and
- considering whether other forms of intervention have been effective or would be more appropriate.

When NZQA is considering imposing a statutory action, it can give a non-university education organisation an opportunity to explain to NZQA why it considers the statutory action, described in the notice of intention, should not be imposed before the final decision is made.

This opportunity does not apply in the case of compliance notices, which can be issued without prior notice.

### **Which education organisations are impacted?**

The following education organisations will be impacted:

- non-university tertiary education organisations (TEOs). This includes institutes of technology and polytechnics, wānanga, and private training establishments
- education organisations that are signatories to the Education (Pastoral Care of International Students) Code of Practice 2016 (the Code). It includes schools and universities, but it applies to their compliance with requirements within the scope of the Code only.

### **What is NZQA's approach when it comes to statutory actions involving schools or universities?**

Schools and universities have opportunities to discuss Code non-compliance issues with NZQA as the Code Administrator. NZQA has arrangements with Universities New Zealand (UNZ) and the Education Review Office (ERO) to monitor Code compliance. Serious compliance issues at schools and universities are discussed between agencies before statutory action occurs.

NZQA will inform the relevant body about identified Code breaches, and how NZQA as the Code Administrator is managing and responding to those Code breaches.

NZQA is aware that some schools are concerned about their ability to manage the behaviour of international students outside school hours.

NZQA is confident that schools are able to fulfil their pastoral care responsibilities and remain Code compliant even in the present legislative context.

### **What will NZQA publish on its website from Monday 3 July 2017?**

From Monday 3 July, NZQA will publish summaries of statutory actions NZQA has taken against TEOs, including current compliance notices. This will include summaries of:

- compliance notices
- conditions imposed
- withdrawal of consent to assess against standards, training scheme approval, programme approval or programme accreditation
- removal of Code signatory status
- cancellation of the registration of a PTE.

### **What statutory actions are PTEs already required to notify students of?**

Under NZQA's Private Training Establishment Registration Rules 2013 (the PTE Registration Rules), a PTE must inform all students, including newly enrolled students, of:

- any conditions NZQA has in place on a PTE's registration, programme approval or accreditation, training scheme approval, or consent to assess against standards
- any compliance notice that has been issued by NZQA to the PTE that has not been complied with
- any notice of intention issued by NZQA to withdraw programme approval or accreditation, training scheme approval, or consent to assess against standards
- any notice of intention to cancel the registration of a PTE that has been issued.

### **International students**

The Code requires all signatories to ensure international students have clear, sufficient, and accurate information to make informed education choices. NZQA, as Code Administrator, can also decide that certain conditions imposed onto a provider and compliance notices issued, must be disclosed to prospective international students.