

Consultation feedback on proposed changes to NZQA Rules

The New Zealand Qualifications Authority (NZQA) consulted the non-university tertiary education sector from 19 April to 31 May 2017 on proposed changes to NZQA Rules.

This document presents a summary of the submissions NZQA received.

1. Number of submissions

NZQA received 44 submissions as detailed in the following table:

Submission author type	Number of responses
Peak body	3
Institutes of Technology and Polytechnics (ITPs)	10
Industry Training Organisations (ITOs)	2
Private Training Establishments (PTEs)	27
Individual	1
Other stakeholders	1
Total: 44	

2. Detailed summary of submissions

The following sections summarise the submissions for each of the eight consultation questions.

2.1 Do you agree with the proposed changes to NZQA Rules to incorporate Te Hono o Te Kahurangi Quality Assurance?

Agree	Disagree	Undecided	Not applicable ¹
17	0	0	27

Comments

All submissions that responded to this question were in support of the proposed changes to further incorporate Te Hono o Te Kahurangi into standard quality assurance process.

¹ Respondents were able to select “not applicable” as an option. Counted towards this number are also instances where questions were skipped in the submissions.

2.2 Do you agree with the proposed changes to Rule 18?

Agree	Disagree	Undecided	Not applicable
20	11	4	9

Comments:

The main themes from the submissions opposed to the proposals were that:

- Requiring Category 1 TEOs to apply for approval of their internal English language testing could undermine External Evaluation and Review (EER) incentives associated with Category 1 status and the high trust model of the evaluative framework.
- If the rule proposal is implemented, Category 1 providers need to be given sufficient time to apply and a transition period needs to be put in place so that students in the process of enrolment are not disadvantaged.
- Not allowing the completion of a qualification in New Zealand to count as English language evidence to enrolment in a higher qualification may be interpreted as lack of trust in the New Zealand Qualifications Framework (NZQF).
- Requiring international students from countries with high visa decline rates to undertake an internationally recognised English language test for each new programme they enrol in could lead to further delays at IELTS testing centres around the country.
- Students enrolled in multi-year programmes such as Bachelor degrees should not be required to provide English language evidence at the beginning of each year.
- Students issued with pathway visas or those studying at TEOs with pathway arrangements to other programmes or TEOs could be disadvantaged by the proposed changes.
- The lack of English language entry requirements for international students at high schools may disadvantage students both during their school studies and when they want to progress to tertiary education in New Zealand.

NZQA response:

NZQA does not consider that the external quality assurance of English language proficiency tests erodes the evaluative framework. The incentives for high performance applicable to both Category 1 and 2 institutions will continue to apply, including the ability to carry out internal English proficiency testing. English language testing is a specialised and technical area requiring expertise that is not always correlated with overall institutional performance.

Ensuring that international students have the appropriate English language proficiency for the level of study they are enrolling in is vital for their academic success and positive learning experience in New Zealand. TEO incentives must not come at the disadvantage of students.

NZQA will provide a transition period of one month to enable Category 1 TEOs to submit their applications. They will be allowed to continue to administer their tests while the applications are considered. Category 1 TEOs will be provided with separate communications on this.

In terms of progressing between levels on the NZQF, it is important to emphasise that students completing Bachelor degrees or higher in New Zealand would still be able to use those qualifications to progress to higher study in New Zealand. Lower level qualifications, however, are unsuitable as evidence of higher English language capability necessary for the next level of the NZQF. These are not English language qualifications, and their level and outcomes provide no

assurance that a student's language ability would improve to the level required for the next qualification. These considerations are separate to and have no bearing on the academic prerequisites for progression under the NZQF.

NZQA is aware that there is an increased demand for IELTS testing around the country. However, Rule 18 allows for other types of testing and providers are encouraged to advise their students of this.

While TEOs are free to set up pathway arrangements with each other, any TEO enrolling international students – whether through a pathway arrangement or not – is required to ensure that the student meets the English language requirements stipulated in Rule 18. This requirement has been in place since Rule 18 was introduced in 2013.

In other words, the pathway arrangement itself is not evidence of English language proficiency. If the TEO is reliant on internal testing by another provider, that provider must have NZQA approval to test English language proficiency on behalf of others as per the requirements of Rule 18.3.

The same applies to pathway visas for programmes within the same TEO or across several TEOs. Before progressing to the next programme, the enrolling TEO must ensure that the student has evidence of English language proficiency as required by Rule 18.

A multi-year programme such as a Bachelor degree, constitutes a single programme of study at Level 7 of the NZQF, in which the student enrolls from the beginning. Therefore, there is no need to require evidence of English language proficiency each year since the student remains enrolled in the same programme.

The question of English language entry requirements for high school students has not been considered as part of this consultation. However, NZQA acknowledges the concerns and will engage with the sector separately on this matter.

2.3 Do you agree with the proposed changes to the Quality Assurance (including External Evaluation and Review (EER)) Rules 2016?

Agree	Disagree	Undecided	Not applicable
26	9	4	5

Comments:

The majority of submissions support the proposed changes, including one peak body.

Submissions that were opposed to the changes primarily disagree with the proposal to introduce a Rule allowing for changes to the scope of EER, before, during and after the visit. While respondents agree that NZQA should have the right to investigate any concerns further, they do not consider that change of scope is necessary. It was noted that a change of scope in the middle of the EER process could be logistically problematic, especially for larger institutions.

Some of the submissions opposed to the proposal suggest that NZQA could be allowed to change the scope before or during a visit, but not afterwards. The feedback emphasised that any change to the scoping should be done in a transparent and fair way.

Two of the submissions disagree with the proposal to waive the reconsideration fee only in cases where changes are made to the statements of confidence as a result of the reconsideration. The

concern is that the potential for further costs may dissuade tertiary education organisations (TEOs) from applying for reconsideration.

Two submissions are also opposed to the proposed annual statutory declaration for all TEOs as they consider that there are already sufficient compliance mechanisms and some institutions carry out the process of assuring compliance on a four-yearly basis.

NZQA response:

In setting the scope of an EER, NZQA works under the principles of the Evaluative Quality Assurance Framework and the NZQA Client Charter. This means that the pre-fieldwork scope is set in discussion with the TEO. This scope assumes that all the necessary information has been made known and is reliable. Ongoing enquiry may occasionally reveal those assumptions to be misdirected, or only partially true. In such cases, NZQA will work with the TEO to explain clearly why and how the scope needs to be modified.

NZQA considers that EER must allow for unmediated access to TEO performance over time. Having a robust and ongoing self-assessment system means that TEOs should be able to readily evidence performance, regardless of the scope or when it is set.

In terms of the reconsideration fees, TEOs are given the opportunity to correct errors of fact when the draft EER report is issued. TEOs seeking reconsideration usually do so to have the ratings or statements of confidence revised. Given the time-consuming nature of the reconsideration process, the costs associated with it should only be waived where it results in a change to the statements of confidence. The majority of submissions support the proposed change.

The majority of submissions also agree with the proposal to require all TEOs to complete annual statutory declarations. Removing the requirement for pre-EER compliance declaration ensures that there will be no duplication of attestations to NZQA. Compliance with all regulations has to be ensured on an ongoing basis and not only in preparation for monitoring visits or EER.

2.4 Do you agree with the changes to the NZQF Programme Approval and Accreditation Rules 2013?

Agree	Disagree	Undecided	Not applicable
27	5	4	8

Comments:

Those who disagree with the proposed changes are primarily concerned about the value of consulting the qualification developer when developing programmes of study as some consider that this could be a burdensome step in the process.

NZQA response:

The proposed change concerning consultation with qualification developers is supported by the majority of submissions, including one peak body. The views of the qualification developer must be taken in consideration by the programme developer and NZQA when assessing the proposed programme as they can provide valuable technical insight and advice on industry trends.

2.5 Do you agree with the proposed changes to the Training Scheme Rules 2012?

Agree	Disagree	Undecided	Not applicable
20	1	4	19

Comments:

The majority of submissions support the proposed changes.

Feedback received is primarily concerned with the proposal to introduce minimum English language entry requirements equivalent to Rule 18 of the NZQF Programme Approval and Accreditation Rules 2013.

Submissions emphasise that a significant number of training schemes are for a short duration only and are often undertaken by work visa holders at the request of their employer.

NZQA Response:

NZQA agrees that the English language entry testing requirements have to be proportionate in terms of time and cost, to the proposed training.

Similarly to Rule 18, the proposed amendment to the Training Scheme Rules will be limited to training schemes at Level 3 and higher. Furthermore, the Rule will specify that training schemes undertaken by international students (including work visa holders) as part of their current employment in New Zealand will not be subject to the new requirements.

2.6 Do you agree with the proposed changes to the NZQF Qualification Listing and Operational Rules 2016?

Agree	Disagree	Undecided	Not applicable
27	0	5	12

Comments:

With regards to the proposal to clarify that “standards” in the context of Rule 5.3(c) refer to standards on the Directory of Assessment Standards (DAS), a submission queried if ISO or AS/NZ standards should be included in the definition.

NZQA Response:

Standards such as ISO and AS/NZ standards typically apply at qualification or programme level, and are stated in the qualification specifications. The standards critical to achieving the outcomes in the graduate profile are always those on the DAS.

2.7 Do you agree with the proposed changes to the Private Training Establishment Registration Rules 2013?

Agree	Disagree	Undecided	Not applicable
28	0	4	12

Comments:

The majority of submissions support the proposed changes, with no specific comments against the proposals.

2.8 Do you agree with the changes to the NZQF Industry Training Programme Approval Rules 2012?

Agree	Disagree	Undecided	Not applicable
10	1	2	22

Comments:

The majority of submissions, including one peak body, support the proposed changes.

Only one submission is opposed to the changes requiring applicants for industry training programme approval to specify how the consistency of qualification achievement would be monitored and assured. The same submission is also concerned that the proposed changes to Rule 8.1(d) would require consistency evidence to be provided every time graduate achievement is reported.

NZQA Response:

NZQA can confirm that ITOs will not be required to submit consistency evidence at the time of reporting graduate achievement. However, ITOs that report graduate achievement may be required to provide sufficient evidence to demonstrate the consistency of graduate outcomes when participating in the process of assuring consistency.

It is important that NZQA quality assures the process that any programme developer proposes for the monitoring and assurance of consistency, before that process is implemented. This is an established practice for all other types of programme approval. Where the programme developer subsequently changes the process as part of continuous improvement, NZQA should be notified.

2.9 Do you agree with the changes to the Directory of Assessment Standards Listing and Operational Rules 2011?

Agree	Disagree	Undecided	Not applicable
26	1	3	14

Comments:

The majority of submissions, including one peak body, support the proposed changes.

One submission disagreed with the proposed change to Rule 5 and considers that a last date of assessment should apply to all versions prior to the last review, rather than to revisions or rollovers.

NZQA Response:

Following analysis of the proposed Rule change against already extant Rule mechanisms, NZQA will not proceed with the proposed Rule at present and will aim to resolve the issues at an operational level. A revised Rule change may be proposed in future.

2.10 Do you agree with the changes to the Consent to Assess against Standards on the Directory of Assessment Standards Rules 2011?

Agree	Disagree	Undecided	Not applicable
27	1	1	15

Comments:

The majority of submissions, including one peak body, support the proposed changes, with no specific comments against the proposals.

One ITO is concerned that the use of contractors to carry out assessment services could be constrained by the proposed changes to Rules 8.1-8.3.

NZQA Response:

NZQA would like to clarify that Rules 8.1-8.3 have been in place since 2011. The proposed changes to those Rules only clarify the expectations in terms of information provided to NZQA and confirm the ongoing responsibility of the sub-contracting institution to monitor and maintain the quality of the arrangement.

Therefore, the proposed changes are not expected to have an adverse effect on sub-contracting arrangements that meet the expected quality standards.

2.11 Do you agree with the changes to the Student Fee Protection Rules 2013?

Agree	Disagree	Undecided	Not applicable
30	0	1	13

Comments:

The majority of submissions support the proposed changes with no specific comments against the proposals.