



NEW ZEALAND QUALIFICATIONS AUTHORITY
MANA TOHU MĀTAURANGA O AOTEAROA

QUALIFY FOR THE FUTURE WORLD
KIA NOHO TAKATŪ KI TŌ ĀMUA AO!

Consultation on changes to NZQA Rules

March 2018

NZQA

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Wellington

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NZQF Programme Approval and Accreditation Rules 2013

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/nzqf-related-rules/programme-approval-and-accreditation/>

The Table for Internationally Recognised English Proficiency Outcomes for International Students

Proposed change:

Correct error in the Table for TOEFL internet-based test (iBT) writing scores:

Programme Level	Current Appendix	Updated scores
Level 3	Score of 35 (with a writing score of 20)	Score of 35 (with a writing score of 14)
Levels 4 - 5	Score of 46 (with a writing score of 20)	Score of 46 (with a writing score of 14)
Levels 6 - 7	Score of 60 (with a writing score of 20)	Score of 60 (with a writing score of 18)
Levels 8 - 10	Score of 79 (with a writing score of 21)	Score of 79 (with a writing score of 21)

Reason for change:

There is a drafting error in the Table which lists incorrect writing scores for the TOEFL iBT. NZQA identified this in the later part of 2017 and informed the sector of the error. The Rules now need to be formally amended to ensure the information is correct.

Impact on TEOs:

Error correction.

Rule 18.3(c) – English language requirements for international students

Current Rule:

Evidence that the student has:

(c) been awarded the Cambridge Certificate in English Language Teaching to Adults (CELTA).

Proposed change:

Update the certificate title to Cambridge Certificate in Teaching English to Speakers of Other Languages (CELTA).

Reason for change:

The certificate title has changed.

Impact on TEOs:

Technical change only, no impact on TEOs.

Rule 18.3 – English language requirements for international students

Proposed change:

Include the completion of Trinity College London Certificate in Teaching English to Speakers of Other Languages (CertTESOL) as equivalent to CELTA for Rule 18 purposes.

Reason for change:

Following an application process, NZQA has approved CertTESOL for inclusion in Rule 18, as a qualification equivalent to CELTA for international student admission purposes. This means that international students can use CertTESOL completion as evidence of English language proficiency for admission into a programme at any level.

Impact on TEOs:

Provides a further option for students to demonstrate their English language proficiency.

The Appendix and Table for Internationally Recognised English Proficiency Outcomes for International Students

Proposed change:

Add Trinity College London Integrated Skills in English (ISE) to the list of internationally recognised English proficiency outcomes for international students and to the Table with required outcomes as follows:

Programme Level	ISE
Certificate at Level 3	ISE I no less than distinction in any band
Certificate at Level 4	ISE II no less than pass in any band
Certificate or Diploma at Level 5	ISE II no less than merit in any band
Certificate or Diploma at Level 6; or Diploma or degree at Level 7; or Graduate Certificate or Diploma at Level 7	ISE II no less than distinction in any band
Post-graduate Certificate or Post-graduate Diploma at Level 8; or Bachelor Honours Degree at Level 8; or Master's Degree at Level 9; or Doctoral Degree at Level 10	ISE III no less than pass in any band

Reason for change:

Following an application process, NZQA has approved ISE for inclusion in the Appendix to Rule 18 which lists all internationally recognised English proficiency outcomes for international students.

Impact on TEOs:

Extends the range of internationally recognised English proficiency tests available to international students.

The Appendix - Internationally Recognised English Proficiency Outcomes for International Students**Proposed change:**

Update the titles of Cambridge examinations (CAE, CPE, FCE, and FCE for Schools) as follows:

Cambridge English Examinations are now called Cambridge English Qualifications.

Examination previously known as Cambridge English: Advanced or Certificate in Advanced English (CEA), is now called C1 Advanced.

Examination previously known as Cambridge English: Proficiency or Certificate in Proficiency in English (CPE), is now called C2 Proficiency.

Examination previously known as Cambridge English: First or First Certificate in English, is now called B2 First.

Examination previously known as Cambridge English: First for Schools, is now called B2 First for Schools.

Reason for change:

The titles of Cambridge examinations have changed and the Appendix to Rule 18 needs to be updated accordingly.

Impact on TEOs:

TEOs may need to update their admission criteria.

The Table for Internationally Recognised English Proficiency Outcomes for International Students**Proposed change:**

Update the required scores for the Occupational English Test of Cambridge Boxhill Language Assessment (OET) in the Table for programmes at Level 8 or higher. Those would now require OET grade C+ in all sub-tests, with no grade lower than C.

Reason for change:

OET have recalibrated their scoring system with the introduction of grade C+ which has IELTS equivalence of 6.5. The Table to Rule 18 has to be updated accordingly.

Impact on TEOs:

TEOs may need to update their admission criteria.

The Table for Internationally Recognised English Proficiency Outcomes for International Students

Proposed change:

Add new OET numerical scoring which will be introduced from 9 September 2018. The first test results with these scores will be released on 2 October 2018. The new numerical scoring will be benchmarked as follows for the purposes of Rule 18:

Programme Level	Current OET grading	New OET scoring
Certificate at Level 3	Grade C in all sub-tests	Minimum 200
Certificate at Levels 4	Grade C in all sub-tests	Minimum 200
Certificate or Diploma at Level 5	Grade C in all sub-tests	Minimum 200
Certificate or Diploma at Level 6; or Diploma or degree at Level 7; or Graduate certificate or Diploma at Level 7	Grade C in all sub-tests	Minimum 200
Post-graduate certificate or Post-graduate Diploma at Level 8; or Bachelor Honours Degree at Level 8; or Master's Degree at Level 9; or Doctoral Degree at Level 10	C+ (see previous proposed Rule change)	Minimum 300

Reason for change:

From September 2018, OET are introducing a numerical scoring system which will replace their current grading system. The final results using the grading system will be released on 2 September 2018. The first results using the new scoring system will be released on 2 October 2018.

Test results using the previous grading system will continue to have validity for Rule 18 purposes for two years.

Impact on TEOs:

TEOs may need to update their admission criteria.

Rule 18.6 – English language requirements for international students

Current Rule:

Evidence that the student has achieved an outcome in the institution's internal English proficiency assessment that is equivalent to or better than the outcomes listed in the Table in the Appendix for the programme level in which the student is enrolling, where:

- a. the institution is a Category 1 or 2 institution;
- b. the internal English proficiency assessment is administered by the institution;
- c. the institution has been granted NZQA's approval for the internal English proficiency assessment in accordance with Rule 18A; and
- d. the approval referred to in paragraph (c) has been listed on NZQA's website.

Proposed change:

Remove Rule 18.6. This means that Category 1 or 2 institutions will no longer be able to offer internal English proficiency assessments for Rule 18 purposes.

Reason for change:

Following the 2017 Rule changes, NZQA required all Category 1¹ institutions that did not already hold NZQA approval for their internal English proficiency assessment to apply for this approval or to cease offering the assessment. NZQA took this step due to concerns about the quality of internal English proficiency assessments.

While some Category 1 institutions decided to no longer offer this assessment, others applied for NZQA approval. The vast majority of those applications were declined as the English proficiency assessments failed to meet the required standard.

Since 2017, NZQA has also carried out a review of previously approved internal English proficiency assessments at Category 1 and 2 institutions. Once again, the vast majority of those English proficiency assessments did not meet the requirements due to inappropriate testing practices or changes to the approved assessment.

Given the concerning extent of these findings, NZQA no longer has confidence that internal English proficiency assessments offer sufficient assurance that a student has met the requirements of Rule 18. The quality of those assessments, even where they are offered by reputable organisation and were initially approved by NZQA, may change over time depending on staff capability and resourcing, making the results unreliable without constant monitoring or external verification.

NZQA is therefore proposing to remove internal English proficiency assessments altogether from Rule 18.

Impact on TEOs:

TEOs that currently hold NZQA approval to offer an internal English proficiency assessment would be affected by this change. They would no longer be able to offer this assessment for Rule 18 purposes. Prospective students would have to evidence their English language proficiency through one of the other options specified in Rule 18.

If this rule change is made, NZQA will allow a three-month transition period to allow TEOs that currently have approval for internal English proficiency testing to finalise pending enrolments.

¹ Category 2 institutions were already required to have NZQA approval of their internal English language proficiency assessment.

Rule 12.1 – Requirements to be met to maintain accreditation

Current Rule:

To continue to maintain accreditation to provide an approved programme or part of an approved programme at Levels 1 to 6, or a certificate at level 7, institutions (other than universities) must:

[Requirements are listed from (a)-(h)]

Proposed change:

Remove reference to certificates at level 7 as those are no longer on the New Zealand Qualifications Framework (not to be confused with graduate certificates at Level 7 which remain on the Framework). There are no active programmes offered by institutions other than universities that lead to those qualifications.

Reason for change:

Remove outdated reference to level 7 certificates.

Impact on TEOs:

This is an administrative change, there are no current programmes offered by non-university institutions that lead to level 7 certificates and no TEOs are affected.

Rule 12.1 – Requirements to be met to maintain accreditation

Current Rule:

To continue to maintain accreditation to provide an approved programme or part of an approved programme at Levels 1 to 6, or a certificate at Level 7, institutions (other than universities) must:

[Requirements are listed from (a)-(h)]

Proposed change:

Add a requirement specifying that institutions must participate and cooperate in programme monitoring, when required by NZQA.

Also, add Level 7 Diplomas to Rule 12.1 (they are currently referenced in Rule 12.2).

Reason for change:

Following several compliance investigations and a review of all Level 7 Diploma programmes in 2016/2017, NZQA identified significant concerns relating to TEO assessment practices, teaching capability and resourcing. Since then, NZQA has established a dedicated monitoring business unit and has initiated a regular review of delivery and assessment practice through programme monitoring and moderation activities.

The purpose of the proposed Rule change is to set out the expectation that institutions holding accreditation to provide an approved programme at Levels 1-6 or a Level 7 Diploma must participate and cooperate in programme monitoring. NZQA is already able to undertake programme monitoring to verify compliance with the accreditation criteria, but adding this explicit requirement in the Rules provides institutions with clarity.

Impact on TEOs:

Other than providing clarity, there is no impact on TEOs since NZQA is already able to monitor programmes to assure their ongoing compliance with the Rules.

Consent to Assess against Standards on the Directory of Assessment Standards Rules 2011

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/standards-and-assessment-rules/consent-to-assess/>

Rule 10.1(b) – Requirements to be met to maintain consent (except for relevant schools and ITOs)

Rule 12.1(b) Requirements to be met to maintain consent for ITOs

Current Rule:

Under Rules 10.1(b) and 12.1(b), holders of consent to assess (other than relevant schools) are required to accurately report credits for students within 3 months of assessment, unless NZQA has approved a different reporting timeframe for the holder of the consent.

Proposed change:

Reduce the reporting timeframe to within one month of assessment.

Reason for change:

Quarterly reporting of credit achievement is leading to delays in student access to accurate New Zealand Record of Achievement information and has the potential to lead to inappropriate fees-free and other funding allocation.

NZQA is proposing to reduce this timeframe to one month and is seeking sector feedback regarding this proposed timeframe.

NZQA anticipates that if the change is made, there will be a transition period to enable TEOs to adjust their systems to the new reporting timeframe. The length of the transition period will be determined in consideration of sector views expressed through this consultation process.

Impact on TEOs:

If implemented, the Rule change would require consent to assess holders (other than relevant schools) to report student credit achievement to NZQA on a more frequent basis. Many TEOs already do this, but this would be a change for others.

Directory of Assessment Standards Listing and Operational Rules 2011

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/standards-and-assessment-rules/das-listing/>

Rule 8 – Applications to list standards on the Directory

Proposed change:

Add Rule specifying that standards will only be listed if they:

- do not unnecessarily duplicate a registered standard; and
- do not create unreasonable restrictions on the mode of assessment; and
- do not create unreasonable barriers to access in terms of gender, ethnicity or cultural background.

Reason for change:

These are fundamental aspects of standards that are not captured explicitly in the current Rules.

Impact on TEOs:

TEOs applying to list standards will need to provide confirmation that the proposed standard complies with these requirements. In cases where NZQA identifies concerns, the TEO would be given the opportunity to provide evidence showing that the standard meets the requirements.

NZQF Qualification Listing and Operational Rules 2016

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/nzqf-related-rules/nzqf-qualification-listing-and-operational-rules-2016/1/>

Rule 6.2 – Use of te reo Māori in listing qualifications

Current Rule:

Where qualifications are listed in te reo Māori, the listing details in Rule 4.1(c) and (d)(i) will contain an English equivalent description.

Proposed change:

Remove the requirement for the English language description to be 'equivalent'.

Reason for change:

It is not always possible for the English description to fully capture the cultural context of some qualifications, and cannot therefore be considered 'equivalent' in all cases.

The Rule will continue to require a sufficient English description to ensure that users of the NZQF who are not fluent in te reo Māori can understand the purpose of the qualification.

Impact on TEOs:

The proposed change would simplify the listing process for some qualifications in te reo Māori.

Rule 10.5 – Content and process for applications for approval to list qualifications on the NZQF

Current Rule:

NZQA may release an applicant from all or part of the requirements in Rule 10.2, or Rule 10.3(d) or (e), where the applicant satisfies NZQA there is good reason to do so.

Proposed change:

Correct drafting error as follows:

NZQA may release an applicant from all or part of the requirements in **Rule 10.2(a)**, or Rule 10.3(d) or (e), where the applicant satisfies NZQA there is good reason to do so.

Reason for change:

Drafting error currently refers to Rule 10.2. It should refer to Rule 10.2(a) (*where there is good reason to do so, NZQA may release an applicant from the requirement to apply for approval to develop*).

Impact on TEOs:

Error correction.

Rule 16 – Award of qualifications

Proposed change:

Introduce Rule requiring the language of instruction and/or assessment (other than English or te reo Māori) to be stated on the formal document certifying the award of a qualification.

This would not apply to language qualifications since the language is stated in the qualification title.

Reason for change:

NZQF qualifications may be delivered offshore (with NZQA's approval) in languages other than English or te reo Māori. To ensure that there is transparency for qualification stakeholders such as employers and other education institutions, it is important that the language of instruction and/or assessment, where it is not English or te reo Māori, is specified clearly on the award document.

Impact on TEOs:

TEOs that have approval to deliver qualifications in languages other than English or te reo Māori would have to amend their awarding documents to include the language of instruction.

Rule 5.3(c) – Further details for qualifications listed at Levels 1 to 6

Current Rule:

For the purposes of Rule 5.2(e) mandatory conditions include:

(c) any standards listed on the Directory of Assessment Standards which are critical to achieving the outcomes in the graduate profile.

Proposed change:

Amend the Rule to specify that it relates only to standards listed on the Directory of Assessment Standards which are critical to meeting the legislative requirements in the graduate profile outcomes.

Reason for change:

NZQA allows only critical standards that are required in order to meet legislative or professional registration requirements to be included in the qualification conditions. This enables the design of different programmes towards the qualification, which may include components other than standards.

Impact on TEOs:

May reduce the listing requirements for qualification developers. It also provides greater flexibility for programme developers.

Rule 4.1(b) – Qualification details listed on the NZQF for all qualifications

Current Rule:

The details for all qualifications to be listed on the NZQF are:

(b) a suitable qualification type and level that recognised the achievement of a set of learning outcomes for a particular purpose through formal certification.

Proposed change:

Remove reference to 'learning outcomes' and replace with 'graduate outcomes'.

Reason for change:

Qualification listings include graduate outcomes, not learning outcomes.

Impact on TEOs:

No change to current practice.

Rule 10.3(b) – Content and process for applications for approval to list qualifications on the NZQF

Current Rule:

The following additional requirements apply to applications to list qualifications at Levels 1 to 6:

(b) the application must contain a written self-assessment using guidelines from time to time published for the purpose on the NZQA website.

Proposed change:

Remove Rule 10.3(b).

Reason for change:

Self-assessment cannot be expected from qualification developers since many are not registered or recognised tertiary education organisations, and therefore have no experience or capability to engage in self-assessment.

Impact on TEOs:

NZQA has not required written self-assessment for qualification listing applications for some time so this change aligns the Rules with current practice.

Private Training Establishment Registration Rules 2013

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/pte-related-rules/pte-registration-rules-2013/authority/>

Rule 5.1.3 – Business Management

Proposed change:

Introduce a new Rule requiring PTEs that have voluntarily or involuntarily ceased delivery of a programme, training scheme or standards during an enrolment period, but otherwise remain registered and operational, to cover the international student costs associated with the closure and transfer of international students. These costs may include academic or English language re-assessment costs, fees for recognition of prior learning, fees for credit transfer, or full refund of student fees.

Reason for change:

NZQA is concerned about significant claims on the Export Education Levy (the Levy) made over the last year to cover the international student costs associated with course closure, especially where there have been educational quality concerns. When the closure occurs during an enrolment period, these costs usually include academic re-assessment, English proficiency re-testing and full refunds for students found to be ineligible to continue their studies elsewhere due to their academic ability or language proficiency.

These are situations where PTEs have profited from the enrolment of students but have failed to deliver education to the required standard, leaving international students in a precarious position.

Where a PTE continues to operate after a closure, NZQA considers it the PTE's responsibility to cover re-assessment and refund costs, rather than the Levy's. While most providers accept the responsibility and voluntarily meet the costs, NZQA is concerned about a lack of accountability in other cases which lead to claims on the Levy.

NZQA is therefore proposing to make this a condition on registration. It would mean that failure to comply with the requirement, could result in the de-registration of the PTE.

In the context of this proposal, course closure refers to voluntary or involuntary withdrawal of programme approval, accreditation, training scheme approval, or consent to assess. It could also include cases where a PTE ceases delivery (without a withdrawal) before the end of the study period.

Impact on PTEs:

This Rule change will affect PTEs that cease to deliver a programme, training scheme or standards to international students before the end of the study period.

Rule 5.1.3(ac) – Business Management

Current Rule:

Where a PTE is a signatory to the Code made under Part 18A of the Act and does not receive any funding from the Tertiary Education Commission under Part 13A of the Act, that PTE must electronically transmit to the Ministry of Education from its student management system the student and other information, by the method and from the date, as set out in Appendix I.

Proposed change:

Remove reference to Appendix I and amend the Rule to specify that the information required, the method and date will be set out by the Ministry of Education on its website.

Reason for change:

Rule 5.1.3(ac) was introduced to enable the provision of information for unfunded international providers (UIP) required by the Ministry of Education. Since the Rule was introduced, the Ministry has made changes to the information required, including the introduction of a smaller data set for English language-only PTEs.

This has led to a duplication of process in terms of consultation and implementation since the Rule needs to change every time there is a change to the UIP data requirements. Operational challenges have also arisen as the Rules require a more time-consuming process and therefore do not allow for the immediate implementation of new data requirements.

It would be more efficient for the data requirements to be specified on the Ministry of Education website only.

Impact on PTEs:

No operational changes for PTEs, the data requirements will continue to be set by the Ministry of Education as they are at present.

Appendix I – Information required to be provided under Rule 5.1.3(ac)**Proposed change:**

Remove Appendix I.

Reason for change:

The proposed changes to Rule 5.1.3(ac) mean that Appendix I would no longer be required. The information to be submitted, method and date will be set out on the Ministry of Education website instead.

Impact on PTEs:

No change to current requirements. The data requirements will continue to be set by the Ministry of Education as they are at present.

NZQF Industry Training Programme Approval Rules 2012

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/nzqf-related-rules/industry-training-programme-approval-rules-2012/>

Rule 5.1(b) – Criteria for approval of industry training programmes under section 249 of the Act

Current Rule:

The following are the criteria for approval of industry training programmes of industry training organisations:

(b) The title, aims, stated learning outcomes and coherence of, and within, the whole programme are adequate and appropriate and meet the graduate profile and specification of the qualification listed on the NZQF.

Proposed change:

Amend the Rule to remove reference to learning outcomes and replace it with “qualification outcomes”.

Reason for change:

Applications for industry training programme approval must demonstrate that the proposed programme meets the qualification outcomes.

Impact on ITOs:

Minimal impact, no additional requirements are introduced.

Rule 5.1(c) – Criteria for approval of industry training programmes under section 249 of the Act

Current Rule:

The following are the criteria for approval of industry training programmes of industry training organisations:

(c) There is a written set of specified requirements for entry, credit recognition and transfer, recognition of prior learning, indicative programme length and structure, and assessment (including assessment procedures).

Proposed change:

Amend the Rule to clarify that the assessment requirement relates to the programme’s assessment policy and procedures.

Reason for change:

There has been confusion amongst applicants that the criterion may be in reference to specific assessment materials, which are subject to change. NZQA would like to clarify the Rule, to ensure that it is consistently understood to refer to the programme’s overarching assessment policy and procedures.

Impact on ITOs:

No new requirement – the change provides clarity.

Industry Training Organisation Prescribed Quality Assurance Requirements Rules 2015

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/pte-related-rules/ito-qa-requirements-2015/>

Rule 4.1.1(iii) – Prescribed Quality Assurance Requirements

Current Rule:

In relation to an organisation that is currently recognised as an ITO the prescribed quality assurance requirements are to participate in external evaluation and review which may include consideration of whether the organisation has, or will have, and is likely to maintain, adequate and appropriate systems and processes, and capability, knowledge and experience to do the following:

iii. deliver industry training, including arranging, assessing and moderating industry training.

Proposed change:

Remove “deliver industry training” from Rule 4.1.1(iii) and replace with a reference to developing and maintaining arrangements for the delivery of industry training, including the assessment and moderation of that training.

Reason for change:

The scope of ITO activities legislated through the Industry Training and Apprenticeships (ITA) Act does not include the *delivery* of industry training by ITOs. Their activities in this regard are limited to *developing arrangements* for the delivery of training.

The Rule needs to be amended to align with the scope of ITO activities set out in the Act.

Impact on ITOs:

No impact on ITOs. Their role and responsibilities are already set out in the ITA Act, which cannot be superseded by these Rules. Therefore the proposed amendment to the Rules has no impact on ITOs as it only aligns the scope of their role, for external evaluation and review purposes, to that set out in the ITA Act.

Quality Assurance (including External Evaluation and Review (EER)) Rules 2016

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/qa-rules/external-evaluation-rules-2016/1/>

Rule 13.4(a) – Restrictions on the assessment and moderation of student work by Category 3 and 4 institutions

Current Rule:

An institution to which Rule 13.1 applies may not enrol new students unless NZQA considers the institutions has acceptable assessment and moderation arrangements in place.

Proposed change:

In 2017, NZQA introduced Rule 14A with support from the sector. This Rule prevents the enrolment of new domestic or international students by a Category 4 institution.

Rule 13.4(a), which predates Rule 14A, may create confusion as it could allow the enrolment of new students by a Category 4 institution, where NZQA finds acceptable assessment and moderation standards. NZQA does not consider that the enrolment of new students by a Category 4 institution is in the students' best interests, irrespective of the assessment and moderation standards.

It is therefore proposed that Rule 13.4(a) be updated to apply only to Category 3 institutions. This would ensure that the Rules are consistent in prohibiting the enrolment of new students by Category 4 institutions.

Reason for change:

The change is proposed to remove confusion and to confirm that Category 4 institutions must not enrol new students, in accordance with Rule 14A.

Impact on TEOs:

No change to current requirements.

Rule 8.5 – EER Report

Current Rule:

Subject to Rule 8.6 and Rules 9.1 – 9.7, once a finalised report is sent to the institution or ITO to conclude the agreed or set processes and timing, the finalised report will be published as the final report on NZQA's website no less than 10 working days after providing the finalised report to the institution or ITO.

Proposed change:

The Rule allows 10 working days before the publication of an EER report to give the institution or ITO the opportunity to request a reconsideration (no change is proposed to this).

The Rule, however, also refers to a 10-day period before the publication of a final report following reconsideration. NZQA considers that this period is unnecessary as reconsideration is the final available step in the EER process. A 10-day mandatory hold period following the completion of the reconsideration process adds a further and unnecessary delay in an EER process already extended

due to the reconsideration. It is therefore proposed to remove reference to Rules 9.1 – 9.7 from Rule 8.5.

Rules 9.4 – 9.7 already ensure that the reconsideration process follows the principles of fairness and natural justice for the timing of the reconsideration process, including communicating the decision to the institution or ITO and the publication of the report.

Reason for change:

The change is proposed to avoid unnecessary process delays and to ensure that prospective learners have access to accurate and up-to-date information about education providers.

Impact on TEOs:

The change may only affect institutions and ITOs that apply for reconsideration of their EER report. NZQA will continue to follow the principles of fairness and natural justice in agreeing on appropriate timeframes with those institutions or ITOs, as stipulated in Rules 9.4 – 9.7.

New Rule – Record keeping by institutions and ITOs

Proposed change:

Introduce a new Rule requiring institutions (other than PTEs) and ITOs to keep all assessment materials generated from education or training in which students are enrolled, or full copies of them, for at least 12 months from the date of completion of that education or training.

This would include all assessment materials of education or training by sub-contractors of the institution.

Reason for change:

It is important to ensure that all institutions and ITOs keep adequate academic records, including assessment materials, should they be required by a student or a trainee. Assessment materials may also be requested and reviewed by NZQA for the purposes of programme monitoring and other quality assurance.

PTEs are already subject to this record keeping requirement under Rule 6.2 of the PTE Enrolment and Academic Records Rules.

Impact on institutions and ITOs:

Institutions and ITOs will have to review their record keeping process to ensure that it complies with the requirements. They may also need to expand their physical or electronic storage facilities.

NZQA will allow a transition period to give institutions and ITOs time to set up the necessary systems.

Student Fee Protection Rules 2013

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/pte-related-rules/student-fee-protection-rules-2013/1/>

Rule 13.10 – Obligations of providers

Current Rule:

Before a Provider enrolls a student in a course at the Provider via an Agent, there must be a written contract in place between the Provider and the Agent that properly covers the requirements of these Rules and the Act (noting that for international Students a contract is required between Providers and Agents under clause 10.3 of the Code of Practice for the Pastoral Care of International Students).

Proposed change:

Amend the Rule to refer to clause 14(b) of the new Education (Pastoral Care of International Students) Code of Practice 2016.

Reason for change:

In 2016, the Education (Pastoral Care of International Students) Code of Practice replaced the Code of Practice for the Pastoral Care of International Students. Clause 14(b) is the relevant clause in the new Code that requires signatories (or 'providers' under the Student Fee Protection Rules 2013) to have a written contract with each agent.

Impact on TEOs:

No change to current requirements.

NZQF Offshore Programme Delivery Rules 2012

<http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/nzqf-related-rules/offshore-programme-delivery-rules-2012/>

Rule 3 – Interpretation

Current interpretation:

“Deemed programme rules” means the Criteria for Approval and Accreditation of Programmes published in the New Zealand Gazette (No 113) of 28 July 2011 at page 3207, which are deemed by section 44(1)(a) of the Education Amendment Act 2011 to be Rules made under section 253 of the Act; and includes any Rules replacing the Criteria for Approval and Accreditation of Programmes prior to, on, or after the expiry of the Criteria on 31 December 2012.

Proposed change:

Update the interpretation and subsequent references to “deemed programme rules” to refer to the NZQF Programme Approval and Accreditation Rules 2013 and any future amendments.

Reason for change:

The reference to the Criteria for Approval and Accreditation of Programmes is now outdated. They were replaced by the NZQF Programme Approval and Accreditation Rules, which were introduced in 2013.

Impact on TEOs:

No change to current requirements.