

Final version for signatures for the purposes of section 452 of the Education and Training Act 2020

NZQA Board:  Date: 12 February 2021

Minister of Education:  Date: 15 March 2021

Consent to Assess Against Standards on the Directory of Assessment Standards Rules 2021

1. Authority

1.1 These Rules are made under section 452 of the Education and Training Act 2020.

2. Commencement

2.1 These Rules commence on the 28th day after the date of approval by the Minister under section 452(5) of the Education and Training Act 2020.

3. Interpretation

3.1 In these Rules, unless the context otherwise requires:

Act means the Education and Training Act 2020

classification means the field, sub-field or domain for a standard

consent and moderation requirements means the standard-setting body requirements listed for standards that relate to the particular skills and knowledge of teachers and assessors, any special resources required for assessing against the standards, learner access to resources, practical experience, and national external moderation

consent to assess means consent to assess against standards on the Directory, provided for in section 449 of the Act

Directory means the Directory of Assessment Standards provided for in section 437 of the Act

industry training micro-credential means a kind of consent to assess consisting of one or more assessment standards on the Directory and which:

- (a) certifies the achievement of a specific set of skills and knowledge in workplace training;
- (b) has a statement of purpose and clear learning outcomes;
- (c) has demonstrable support from the relevant industries, employers, or communities;
- (d) has a credit value that is from 5 to 40 credits (*inclusive*);
- (e) would typically not duplicate current quality assured learning approved by NZQA

institution has the same meaning as in section 10(5)(a) of the Act

level means any of levels 1 to 10 of the NZQF

NZQA means the New Zealand Qualifications Authority

NZQF means the New Zealand Qualifications Framework

relevant school has the same meaning as in section 10(1) of the Act

standard-setting body means an “approved standard-setting body” within the meaning of that term in section 438(1) of the Act

Te Hono o Te Kahurangi quality assurance means applying Te Hono o Te Kahurangi whare ako framework and quality assurance tools for consents to assess, as that framework and those tools are published by NZQA from time to time on its website

transitional ITO has the same meaning as in clause 42(1) of Schedule 1 of the Act.

3.2 References to rules are to rules of these Rules unless otherwise specified.

Part 1

Applications and use of sub-contractors

4. Applications for consent to assess (*except relevant schools and transitional ITOs*) where the applicant does not already hold a consent to assess

4.1 All applications for consent to assess, where the applicant does not already hold a consent, must contain the following information:

- (a) the name and contact details of the applicant:
- (b) the scope of the consent sought, covering the classifications and standards, and levels:
- (c) where the application relates to unit standards, evidence of the assessment by the relevant standard-setting body of the applicant’s ability to meet the consent and moderation requirements:
- (d) evidence of how the applicant will carry out self assessment and participate in external evaluation and review (*however this is not needed where it has already been provided in a related application for accreditation to provide an approved programme or a related application for training scheme approval*).

4.2 Where the application for consent is not associated with a related application for accreditation to provide an approved programme, or a related application for training scheme approval, the application must also contain:

- (a) an explanation of how the scope fits with the applicant’s overall business planning and delivery intentions:
- (b) evidence to show the applicant is able to design study or training, particularly in respect of the standards in the application.

4.3 Rules 4.1 and 4.2 do not apply to relevant schools or transitional ITOs except to the extent provided for in rules 5 and 6.

5. Applications from relevant schools for consent to assess where the school does not already hold a consent to assess

5.1 Relevant schools applying for consent to assess must provide the details in paragraphs (a) and (b) of rule 4.1, and make available to NZQA where requested a copy of the documentation required in **Appendix 1**.

- 5.2 Where the application includes unit standards, the relevant school must also provide details as required in paragraph (c) of rule 4.1.
- 6. Applications from transitional ITOs where the transitional ITO does not already hold a consent, or where the application relates to standards in respect of which the transitional ITO is not the standard-setting body**
- 6.1 Transitional ITOs applying for consent to assess against standards for which it is the standard-setting body, and where the transitional ITO does not already hold a consent for such standards, must provide:
- (a) the details in paragraphs (a), (b) and (d) of rule 4.1:
 - (b) information on the skills of the workplace assessors the transitional ITO proposes to use for assessments, and information on the management and training of the assessors.
- 6.2 A transitional ITO applying for consent to assess against standards for which it is not the standard-setting body, and where the transitional ITO does not already hold a consent in relation to such standards, must provide the information:
- (a) in rule 6.1:
 - (b) in paragraph (c) of rule 4.1.
- 7. Applications from holders of existing consents to assess to extend or reduce the scope of the consent to assess**
- 7.1 A holder of a consent to assess (*other than a relevant school or transitional ITO*) may at any time apply to extend the scope of the consent, providing the details in paragraphs (a), (b), and (c) of rule 4.1.
- 7.2 A relevant school may at any time apply to extend the scope of the consent, providing, in respect of the standards to which the application relates:
- (a) the information required in paragraphs (a), (b) and (c) of rule 4.1:
 - (b) any updates to the documentation required in **Appendix 1**.
- 7.3 A transitional ITO may at any time apply to extend the scope of its consent to assess, providing, in respect of the standards to which the application relates, -
- (a) where the transitional ITO is the standard-setting body for the standards, the information in paragraphs (a) and (b) of rule 4.1 and the information in paragraph (b) of rule 6.1; or
 - (b) where the transitional ITO is not the standard-setting body for the standards, the information in paragraphs (a) to (c) of rule 4.1 and the information in paragraph (b) of rule 6.1.
- 7.4 A holder of a consent to assess may at any time apply to reduce the scope of the consent to assess by removing a classification or removing one or more standards.
- 8. Requests for Te Hono o Te Kahurangi quality assurance**
- 8.1 When applying for a consent to assess, an applicant may request that Te Hono o Te Kahurangi quality assurance is used for assessment of the application.
- 8.2 An applicant making a request under rule 8.1, in addition to providing the information required under rules 4 to 7, must provide the information that the Te Hono o Te Kahurangi quality assurance framework and tools require.
- 8.3 NZQA will evaluate a request made under rule 8.1, together with the information supplied, in accordance with Te Hono o Te Kahurangi quality assurance.
- 8.4 For the purposes of requests to use Te Hono o Te Kahurangi quality assurance, references in these rules to self-assessment are to be treated as references to self-reflective practice.

9 Applications for approval of an industry training micro-credential

- 9.1 An institution may apply to NZQA for approval of an industry training micro-credential, and in respect of its application it must:
- (a) provide clear evidence of all the features set out in the definition of industry training micro-credential:
 - (b) identify the standards to be assessed in the micro-credential:
 - (c) explain the coherence of those standards as an individual learning package:
 - (d) consult the standard-setting bodies whose standards will be assessed in the micro-credential, and attach a copy of their views:
 - (e) be the holder of consent to assess for the standards referred to in paragraph (b) of this rule.

10. Use of sub-contractors

- 10.1 Where an applicant for a consent to assess against standards, or a holder of a consent, proposes to use a sub-contractor which itself is the holder of a consent to assess against those particular standards, the applicant or holder must supply to NZQA the following information prior to using the sub-contractor:
- (a) a copy of the sub-contracting agreement which must outline the responsibilities and obligations of the parties:
 - (b) the duration of the arrangement:
 - (c) the reasons for the arrangement:
 - (d) confirmation that any advertising and other information provided to prospective students clearly shows that the study or training involved is provided under a sub-contracting arrangement.
- 10.2 Where an applicant for a consent to assess against standards, or a holder of a consent, proposes to use a sub-contractor which does not itself hold a consent to assess against those particular standards, the applicant or holder must apply to NZQA to engage the sub-contractor.
- 10.3 NZQA will only grant approval to an application under rule 10.2 where it is satisfied that:
- (a) the holder remains responsible for the sub-contractor meeting all of the holder's obligations in relation to the consent; and
 - (b) the sub-contractor will meet all relevant obligations in the Act and in rules made under section 452 of the Act in relation to the consent; and
 - (c) there is an agreement between the holder and the sub-contractor that includes provisions to ensure that NZQA is able to exercise its quality assurance and enforcement powers and functions in respect of the acts or omissions of the sub-contractor relating to the consent; and
 - (d) the information and advertising for the study or training clearly states that it is provided through a sub-contracting arrangement; and
 - (e) all student enrolments are through the holder, and the holder maintains all student enrolment and academic information; and
 - (f) the holder will report credits for the learners and pay the relevant credit reporting fee.
- 10.4 To continue to maintain approval granted under rule 10.3 the holder of the consent to assess must ensure the sub-contracting is conducted at all times in accordance with the requirements set out in paragraphs (a) to (f) of rule 10.3.

11. Approval of applications for consents to assess

- 11.1 NZQA will advise applicants for consents to assess if any of the requirements for the application require further work.
- 11.2 A site visit may be carried out by NZQA. A site visit will be carried out where the consent and moderation requirements specify a site visit.
- 11.3 Where a standard-setting body does not consider that an applicant for consent to assess will be able to meet the consent and moderation requirements, the standard-setting body must provide a written explanation of its reasons to NZQA and any supporting evidence.
- 11.4 Where NZQA is satisfied that the requirements for the application have been met, NZQA will grant the consent and advise the applicant.
- 11.5 Where the standard-setting body has good reasons to consider that an applicant for consent to assess will not be able to meet the consent and moderation requirements, NZQA may impose conditions on the consent under section 450 of the Act.
- 11.6 NZQA will not approve the application, and will advise the applicant accordingly in the following situations:
 - (a) where NZQA is not satisfied that the requirements for the application are met; or
 - (b) where the standard-setting body has good reasons to consider that an applicant for consent to assess will not be able to meet the consent and moderation requirements.
- 11.7 NZQA will publish on its website the details of successful applicants for a consent to assess. Those details will be removed when the applicant no longer is the holder of the consent.

12 Approval of applications for industry training micro-credentials

- 12.1 This rule 12 applies to any institution making an application under rule 9 (*for approval of an industry training micro-credential*).
- 12.2 Where NZQA is satisfied that the requirements for the application have been met, NZQA will grant the approval and advise the institution.
- 12.3 Where NZQA does not approve the application, it will advise the institution with the reasons for not approving the application.
- 12.4 NZQA will publish on its website the details of successful applications.
- 12.5 NZQA will remove the published details in the following circumstances:
 - (a) when the applicant no longer is the holder of the consent for any of the standards in the approval;
 - (b) where, under sections 449 or 451 of the Act the approval has been withdrawn, expires, or ceases to have effect.

Part 2

Maintaining consent and approval

13. Requirements to be met to maintain consent to assess (*except relevant schools and transitional ITOs*)

- 13.1 To maintain consent to assess in respect of the entire consent or particular classifications or standards, holders of the consent (*except relevant schools and transitional ITOs*) must:
 - (a) continue to:
 - (i) meet the consent and moderation requirements for the standards to which the consent relates; and
 - (ii) carry out self assessment and participate in external evaluation; and

- (b) accurately report credits for students within 3 months of assessment, unless NZQA has approved a different reporting timeframe for the holder of the consent; and
- (c) in respect of holders with externally assessed achievement standards in their consent, meet the requirements of the *Assessment (including Examination) Rules for Tertiary Education Organisations with Consent to Assess Entering Candidates for Achievement Standards*, for the time being in force; and
- (d) pay the credit reporting fees due, by the end of the month following month of the invoice from NZQA.

14. Requirements to be met to maintain consent to assess for relevant schools

- 14.1 To maintain consent to assess in respect of the entire consent or particular classifications or standards, relevant schools must:
- (a) continue to maintain, and comply with, the quality management system provided for in **Appendix 1**; and
 - (b) continue to comply with its relevant obligations in:
 - (i) the *Assessment (including Examination) Rules for Schools with Consent to Assess*, for the time being in force; and
 - (ii) in respect of home-schooled students, the *Assessment (including Examination) Rules for Home-Schooled Students*, for the time being in force; and
 - (c) in respect of unit standards continue to meet the consent and moderation requirements for the standards to which the consent relates, and report credits for learners to NZQA.

15. Requirements to be met to maintain consent to assess for transitional ITOs

- 15.1 To maintain consent to assess in respect of the entire consent or particular classifications or standards transitional ITOs must:
- (a) continue to:
 - (i) meet the consent and moderation requirements for the standards to which the consent relates;
 - (ii) carry out self assessment and participate in external evaluation; and
 - (iii) maintain levels of at least confident in self assessment and external evaluation and review;
 - (b) accurately report credits for students within 3 months of assessment, unless NZQA has approved a different reporting timeframe for the holder of the consent;
 - (c) in respect of holders with externally assessed achievement standards in their consent, meet the requirements of the *Assessment (including Examination) Rules for Tertiary Education Organisations with Consent to Assess Entering Candidates for Achievement Standards*, for the time being in force; and
 - (d) pay the credit reporting fees due, by the end of the month following the month of the invoice from NZQA.

16. Requirements to be met to maintain approval of an industry training micro-credential

- 16.1 Institutions holding NZQA approval of an industry training micro-credential must:
- (a) ensure the micro-credential continues to have the features set out in the definition of industry training micro-credential; and
 - (b) carry out an annual review of the micro-credential, including whether there is continued demonstrable support for it from relevant industries, employers, or communities.

17. Use of sub-contractors

- 17.1 A holder of a consent to assess is not compliant with these Rules where the holder engages a sub-contractor to carry out the delivery of the study or training in respect of the standards to which the consent relates without obtaining the consent of NZQA.
- 17.2 A holder of a consent to assess is not compliant with these Rules where the sub-contractor engaged by the holder purports to further sub-contract the delivery of study or training in respect of the standards to which the consent relates.

18. Non-use of classifications and standards in a consent

- 18.1 This rule 18 applies to a classification or standard where, over a period of two consecutive years, a holder of a consent to assess has not reported credits in respect of a particular field, subfield, domain, or standard within the holder's consent.
- 18.2 NZQA may notify the holder of the situation.
- 18.3 Following notification to the holder, unless the holder satisfies NZQA that its consent to assess should not be reduced, NZQA may reduce the consent by removing the particular field, subfield, domain, or standard to which this rule applies.

Part 3**Consequential revocations****19. Consequential revocations**

- 19.1 The following rules are consequentially revoked:
- (a) Consent to Assess Against Standards on the Directory of Assessment Standards Rules 2011
 - (b) Consent to Assess Against Standards on the Directory of Assessment Standards Amendment Rules 2017
 - (c) Consent to Assess Against Standards on the Directory of Assessment Standards Amendment Rules 2018
 - (d) the Consent to Assess Against Standards on the Directory of Assessment Standards Amendment Rules 2020.

Appendix 1

Quality management system

The school has a documented quality management system that:

- (a) reflects the Ministry of Education’s “National Education Guidelines” and “National Administrative Guidelines”; and
- (b) covers the following three sets of requirements:

Defining aims, objectives, directions and targets

1. The school has measurable aims, objectives, directions and targets.

Systems to achieve measurable aims, objectives, directions and targets

2. The school puts into practice quality management systems to achieve its aims, objectives, directions and targets, including:
 - 2.1 **Governance and management** – the school has adequate and appropriate governance and management systems to achieve its aims, objectives, directions and targets
 - 2.2 **Personnel** – the school recruits, manages and develops its staff to achieve its aims, objectives, directions and targets
 - 2.3 **Physical and learning resources** – the school has adequate and appropriate physical and teaching and learning resources to achieve its aims, objectives, directions and targets
 - 2.4 **Student information and support** – the school provides adequate and appropriate information and support services to students
 - 2.5 **Development, delivery and review of programmes** – the school adequately and appropriately designs, develops, delivers and reviews its teaching and learning programmes consistent with its aims, objectives, directions and targets
 - 2.6 **Assessment and moderation** – the school has adequate and appropriate systems of assessment and moderation to meet the expected outcome of learning programmes
 - 2.7 **Reporting on student achievement** – the school adequately and appropriately reports on student achievement.

Achieving aims, objectives, directions and targets

3. The school is achieving its aims, objectives, directions and targets, and can provide assurance that it will continue to do so.