

External Evaluation and Review (EER) Amendment Rules 2016

1. Authority

1.1 These Rules are made under section 253 of the Education Act 1989 (**the Act**).

2. Commencement

2.1 These Rules commence on 1 July 2016.

3. Principal Rules

3.1 These Rules amend the External Evaluation and Review (EER) Rules 2013 (**the principal Rules**).

4. Rule 4.1 amended (Interpretation)

4.1 In Rule 4.1, insert in their appropriate alphabetical order:

Category *withdrawn* institution or ITO is an institution or ITO of the kind described in Rule 11.1(e):

Statutory permission includes Code signatory status, programme approval, accreditation, training scheme approval, and consent to assess against standards:

5. Rule 11.1 amended by adding new paragraph (e) (Categorisation of institutions or ITOs based on statements of confidence)

5.1 After paragraph (d) of Rule 11.1, add the following paragraph:

(e) A *Category withdrawn* institution or ITO is an institution or ITO that has received *Category withdrawn* status following the conclusion of the process set out in Rule 12A.

6. New Rules 12.3 and 12.4 inserted (Frequency of EERs following first EER)

6.1 After Rule 12.2, insert:

12.3 Where, since the publication of the most recent EER report in respect of an institution or ITO, NZQA considers that one or more of the statements of confidence the institution or ITO received in that report (*and its categorisation status*) no longer applies due to one or more of the serious concerns set out in Rule 12.4, NZQA may, after following the process set out Rule 12A, -

(a) change the categorisation status of the institution or ITO from its existing categorisation to that of *Category withdrawn*; and

(b) schedule an EER earlier than the frequency set out in Rule 12.1 (*except where NZQA became aware of the serious concerns during an EER that has started but not yet concluded*).

12.4 The serious concerns referred to in Rule 12.3 are:

- (a) significant or repeated non-compliance with the Act or with rules made under section 253 of the Act which resulted in NZQA issuing one or more compliance notices, withdrawing one or more statutory permissions, or imposing any statutory conditions:
- (b) the taking of any prosecution proceedings:
- (c) the financial position or financial performance of the institution or ITO detrimentally impacting on its provision of education or training:
- (d) a significant change in circumstances has occurred at the institution or ITO, resulting in NZQA having significantly lower confidence in:
 - (i) the governance or management of the institution or ITO; or
 - (ii) the ability of the institution or ITO to provide or arrange a sound educational or training environment for its students.

7. New Rule 12A inserted (Process leading to Category *withdrawn* status)

7.1 After Rule 12, insert:

12A. Process leading to Category *withdrawn* status

12A.1 The process NZQA must follow for the purposes of Rule 12.3 is:

- (a) NZQA will give written notice to the institution or ITO of NZQA's intention to change its categorisation status to that of Category *withdrawn*, and set out which statement or statements of confidence NZQA considers no longer applies due to one or more of the serious concerns set out in Rule 12.4:
- (b) NZQA will give the institution at least 10 working days to respond to the notice:
- (c) NZQA will consider any submissions made by the institution within the response period given under paragraph (b):
- (d) after considering any submissions under paragraph (c), NZQA will notify the institution or ITO of the decision of NZQA as to whether or not NZQA has changed the categorisation status of the institution or ITO to Category *withdrawn* and, where NZQA does change the categorisation status to Category *withdrawn*, begin the process for scheduling an early EER for the purposes of Rule 12.3(b) (*except where an EER has been started but not yet concluded*).

8. Clause 3 of Appendix 1 replaced (Requirements for self-assessment)

8.1 Replace clause 3 of Appendix 1 with:

3. The key evaluation questions referred to in clause 1(b) of this **Appendix** are:

- (a) How well do students achieve?
- (b) What is the value of the outcomes for key stakeholders¹, including students?

- (c) How well do programme design and delivery, including learning and assessment activities, match the needs of students and other relevant stakeholders?
- (d) How effectively are students supported and involved in their learning?
- (e) How effective are governance and management in supporting educational achievement?
- (f) How effectively are important compliance accountabilities managed?"

¹ "Stakeholders" for each institution or ITO will be different groups of people, but are likely to include some or all of students, communities, employers, professional bodies, and other relevant local and national groups.

9. Transitional provision relating to the new clause 3 of Appendix 1

- 9.1 The key evaluation questions set out in the new clause 3 of Appendix 1 apply in respect of any EER that is notified to an institution or ITO under Rule 7.1 of the principal Rules (*including a notice to which Rule 12.2 applies*) by letter from NZQA dated on or after 1 July 2016.

Explanatory note

This note is not part of these Rules, but is intended to indicate their general effect.

This amendment to the principal Rules, which commences on 1 July 2016, provides for the new Category *withdrawn* status of an institution or ITO where, since the publication of the most recent EER report in respect of the institution or ITO, NZQA considers that one or more of the statements of confidence the institution or ITO received in that report (*and its categorisation status*) no longer applies due to one or more the serious concerns set out in Rule 12.4. NZQA must follow the process in Rule 12A before changing the status. If the categorisation status of an institution or ITO is changed to Category *withdrawn* status, a new EER will be scheduled and conducted (*unless an EER was already underway*) so that the institution or ITO receives a Category 1, 2, 3, or 4 status.

This amendment also inserts a refreshed set of Key Evaluation Questions in Appendix 1, and a transitional provision for applying those Key Evaluation Questions only to EERs commenced by notice given on or after 1 July 2016 (*and so they do not apply to EERs commenced prior to that date*).

These Rules are administered by the New Zealand Qualifications Authority