



Tertiary Education Report: Approval of Rules for Training Schemes 2012

Date:	5 October 2012	NZQA Priority:	Medium
Security Level:	In confidence	Report No.	CR 10203

Action Sought:

TR12.3155

	Action Sought	Deadline
Minister for Tertiary Education, Skills and Employment	approve <i>Rules for Training Schemes 2012</i>	At your earliest convenience

Contact for Telephone Discussion (if required)

Name	Position	Telephone	1 st Contact	
Tim Fowler	Deputy Chief Executive Quality Assurance Division	(04) 463 4352	027 221 3266	√
Penny Hoy-Mack	Senior Policy Analyst, Quality Assurance Division	(04) 463 3350	027 917 2608	

Enclosure: Yes: Appendix 1 (Rules) and Appendix 2 (Gazette Notice)

Minister's Office to Complete:

- Noted Seen Approved
 Needs change Withdrawn Overtaken by Events

Referred to:

Comments:

(This area is shaded in the original document, indicating a designated space for comments and administrative tracking.)

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Recommended Action

It is recommended that you:

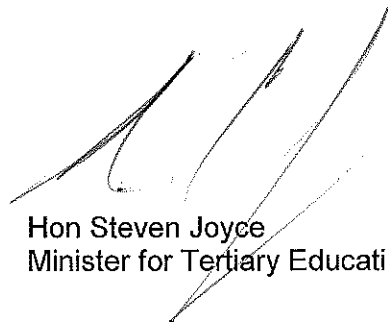
- a. **note** the *Training Scheme Rules 2012* in Appendix 1
- b. **note** the NZQA Gazette Notice *Education Exempt Training Schemes Notice 2012* in Appendix 2
- c. **approve** under section 253(5) of the Education Act 1989 using section 7 of the Constitution Act 1986, the *Training Scheme Rules 2012* (as set out in Appendix 1).

AGREE/DISAGREE



Karen Poutasi (Dr)
Chief Executive

5/10/12
.....



Hon Steven Joyce
Minister for Tertiary Education, Skills and Employment

29/10/12
.....

Tertiary Education Report: Approval of Rules for Training Schemes 2012

Purpose of Report

1. This report seeks your approval of the NZQA *Rules for Training Schemes 2012* presented in Appendix 1. Your approval is not required for the exemptions Gazette Notice in Appendix 2, but this is supplied for your noting.

Background

2. NZQA's Board approved the final rules and exemptions for training schemes on 27 September 2012.
3. Training schemes are a new category of quality assurance approvals introduced by Education Amendment Act 2011. A training scheme is defined in section 159 of the Education Act 1989 as ... *study or training that leads to an award; but does not, of itself, lead to an award of a qualification listed on the New Zealand Qualifications Framework.*
4. The difference between a training scheme and a programme of study is that a programme leads to a qualification on the New Zealand Qualifications Framework (NZQF), but a training scheme is a stand-alone course (usually a short course) that is not related to qualifications on the NZQF.
5. Under the Education Act 1989, training scheme or programme approval (and, where relevant, registration as a private training establishment) is required to enrol an international student.
6. NZQA can also require training scheme approval for domestic student courses. NZQA intends exploring the use of the Rules in this way to address specific quality issues where they have been identified, such as for first aid courses.

Comment

7. NZQA undertook intensive consultation on training schemes as the concept was new for the tertiary education sector, whereas other rules often 'roll-over' current policies.
8. These consultations and engagement with government agencies, sector peak bodies and Universities New Zealand, have resolved a range of issues associated with the introduction of training schemes. The issues included:
 - the rationale for approved training schemes; which is to provide international students with a quality-assured alternative to qualifications listed on the NZQF
 - the level of information that NZQA requires for initial training scheme approval and maintaining the approval; for example, the threshold for proving 'acceptability to stakeholders' is lighter for a training scheme than for a programme leading to a qualification
 - the potential for training schemes to duplicate qualifications. The Rules and NZQA's statutory powers will help to ensure that training schemes do not duplicate qualifications, which was a concern for some consultation respondents.

Rules for universities

9. Universities New Zealand has agreed to rule 10, which clearly acknowledges its responsibility to approve training schemes delivered by universities. This rule is being applied to other types of approvals, including programme approval and accreditation.

Exemptions to training scheme approval

10. NZQA can make statutory exemptions from training scheme approval for study and training that is less than three months. Statutory exemptions are also applied to programme approval, where there is a long-standing exemption for recreational activities.

The finalised exemptions in Appendix 2 are for:

- recreational activities – because no education or employment outcomes are achieved through these activities. (Any health and safety risks related to recreational activities run by private training establishments are managed through registration rules, while Department of Labour covers such activities in public institutions.)
 - corporate training – because such courses are not open to the public and costs/risks to students are low
 - study or training of less than 10 credits¹ – because such courses are too short to warrant separate approvals.
11. The corporate and short training scheme exemptions will not apply to training schemes that are designed for the purpose of meeting regulatory requirements.

Examples of training schemes

12. Examples of approved training schemes might include a four-week, full-time English language course, or a two-month, full-time professional executive training course for international students.
13. Examples of regulatory training schemes that are *not* exempt might include first aid training or liquor licensing training. Examples of exempted recreational training schemes might include rock-climbing, football or macramé.

Risks

14. Some PTEs have expressed dissatisfaction at the phasing-out of their 'local approved courses' through the Targeted Review of Qualifications (TRoQ). Where such courses do not lead to qualifications listed on the NZQF they are 'deemed' training schemes under the transitional provisions of Education Amendment Act 2011. NZQA's intention is to remove duplication in the system. Where the deemed training schemes duplicate qualifications, NZQA is able to remove this duplication through statutory measures. In the first instance, NZQA is seeking voluntary compliance from tertiary providers as part of TRoQ.

¹ Each credit is equivalent to 10 notional hours of learning, in terms of teaching contact, self-directed study and assessment time.

Appendix 1

Training Scheme Rules 2012

Training Scheme Rules 2012

1. Authority

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

2. Commencement

2.1 These Rules commence on the day after the date of approval by the Minister under section 253(5) of the Act.

3. Interpretation

3.1 In these Rules, unless the context otherwise requires:

“Act” means the Education Act 1989:

“Category 1 institution” means an institution (*other than a university*) that has received, in the most recent external evaluation and review carried out by NZQA in respect of that institution, either a;

(a) *Highly Confident* judgement in both educational performance and organisational capability in self assessment; or

(b) *Highly Confident* judgement in educational performance and a *Confident* judgement in organisational capability in self-assessment:

“Credit value” means the number of credits, with each credit representing ten notional learning hours:

“Directory” means the Directory of Assessment Standards provided for in section 248A of the Act:

“External evaluation and review” means the quality assurance system set out in rules made under section 253 of the Act:

“Institution” includes universities, polytechnics, wānanga, government training establishments, registered private training establishments, relevant schools, industry training organisations, and other bodies:

“Level” means any of levels 1 to 10 on the NZQF:

“Level descriptors” means the descriptors used by NZQA to determine levels (*the descriptors are available on the NZQA website*):

“NZQA” means the New Zealand Qualifications Authority:

“NZQF” means the New Zealand Qualifications Framework:

“Recognition of prior learning” means a process that involves formal assessment of a student’s relevant and current knowledge and skills (*gained through prior learning*) to determine achievement of learning outcomes of a qualification for the purpose of awarding credit towards that qualification; and for the avoidance of doubt it does not include credit recognition and transfer:

“Training scheme” has the meaning in section 159(1) of the Act, which is study or training that—

- (a) leads to an award; but
 - (b) does not, of itself, lead to an award of a qualification listed on the NZQF:
- “Universities New Zealand” means the New Zealand Vice-Chancellors’ Committee established under section 240 of the Act.

Part 1

Approval criteria

4. Criteria for approval of training schemes

- 4.1 The following are the criteria for the granting of approval to an institution to provide a training scheme under section 251 of the Act.

Criterion 1 Structure of the training scheme

It has a coherent structure in terms of its learning outcomes, content, level and credit value, which is appropriate for its purpose.

Criterion 2 Delivery methods

Delivery methods are clearly identified, appropriate to the needs and level of the intended students and support achievement of the learning outcomes.

Criterion 3 Resources and staff

There are adequate and appropriate teaching staff (*with appropriate qualifications and/or experience*), facilities, physical resources, and student support systems to enable sustained delivery.

Criterion 4 Information for students

Adequate information is available to students including where applicable information on entry and selection requirements, recognition of prior learning, reassessment and appeals, student progress, requirements for completion, and the availability of assessment in te reo Māori.

Criterion 5 Assessment and moderation

Assessment methodologies provide fair, valid, consistent and appropriate assessment of student achievement, given the stated learning outcomes. There is an effective system for moderation of assessment materials and decisions.

Part 2

Applications

5. Details to be provided in applications for training scheme approvals

- 5.1. Institutions (*other than universities*) must provide the following details in their applications to NZQA to provide a training scheme under section 251 of the Act:

- (a) the name and contact details of the applicant:
- (b) a title for the training scheme that properly reflects its subject area and level:
- (c) credit value and level (*consistent with the level descriptors*):
- (d) the assigned six digit code from the New Zealand Standard of Classification of Education (NZSCED) system:
- (e) the purpose of the training scheme in relation to the needs of intended students, and relevant industry, community, and employer needs:
- (f) clear identification of any standards from the Directory that are used in the training scheme:
- (g) a summary description of how the training scheme meets the criteria set out in Rule 4.1, along with a copy of the institution's:
 - (i) record of internal approval of the training scheme prior to the application to NZQA for approval; and
 - (ii) a full self-assessment report addressing the key evaluation questions for training schemes that are published on the NZQA website.

6. Assessment standards used in training schemes

- 6.1 Where the training scheme for which approval is sought includes, or incorporates substantial content from, assessment standards listed on the Directory, the applicant must also either hold consent to assess against those standards or make application for consent to assess against those standards.

7. Exemptions for applications from Category 1 institutions

- 7.1 Category 1 institutions are not required to provide a copy of the self assessment required in Rule 5.1(g)(ii).

8. Applications for training scheme approval that will not be approved

- 8.1 Approval will not be granted to any institution for applications for training schemes where the training scheme has:
- (a) a credit value of 40 or more credits and either -
 - (i) is substantially similar to a qualification on the NZQF, or
 - (ii) has outcomes that are more suited to being listed as a qualification on the NZQF; or
 - (b) included in the title any of the words "New Zealand", "national", "diploma", "degree", "bachelor", "master", "doctor", "undergraduate" or "postgraduate" where it may cause confusion with a qualification on the NZQF; or
 - (c) included in the title the name of a person, organisation, or product unless the applicant satisfies NZQA (*or Universities New Zealand in relation to university applicants*) that there is a sound justification for the inclusion.

9. Approval of applications for training scheme approval from institutions other than universities

- 9.1 NZQA will advise applicants if any of the details in the application require further work.
- 9.2 NZQA may carry out a site visit.
- 9.3 Where NZQA is satisfied with the details in the application, and it is not an application to which Rule 8.1 applies, NZQA will approve the application and advise the applicant.
- 9.4 Where NZQA is not satisfied with the details in the application, NZQA will not approve the application, and will advise the applicant.
- 9.5 NZQA will publish on its website up to date and appropriate details of training schemes it has approved.

10 Approval of applications for training scheme approval from universities

- 10.1 Applications by universities for training scheme approval will be decided by Universities New Zealand under section 253A of the Act, in accordance with any procedures set up for inter-university course approval and moderation under section 241(a) of the Act.

Part 3

Maintaining training scheme approval

11. Requirements to be met to maintain approval

- 11.1 Institutions holding training scheme approvals must continue to:
 - (a) meet the criteria set out in Rule 4.1: and
 - (b) participate in quality assurance (*for institutions other than universities the quality assurance consists of carrying out self-assessment and participating in external evaluation and review conducted by NZQA*).

Part 4

Use of sub-contractors

12. Use of sub-contractors to provide training schemes

- 12.1 Rules 12.2 to 12.5 apply to institutions other than universities.
- 12.2 Where an institution proposes to use a sub-contractor to provide a training scheme on the institution's behalf, and the institution and the sub-contractor have both been granted approval to provide the training scheme, the institution must notify NZQA of the sub-contracting arrangement prior to the training scheme being provided.

- 12.3 Where an institution proposes to use a sub-contractor to provide a training scheme that the institution has been granted approval to provide, and the subcontractor has not itself been granted approval, the institution must apply to NZQA for approval to engage the sub-contractor.
- 12.4 Applications under Rule 12.3 for approval to engage the sub-contractor must include the following information:
- (a) the name of the sub-contractor:
 - (b) identification of the training scheme(s) to be provided under the arrangement:
 - (c) the rationale for the proposed sub-contracting arrangement:
 - (d) a copy of the sub-contracting arrangement between the institution and the sub-contractor.
- 12.5 NZQA will grant approval to an application under rule 12.3 where it is satisfied that:
- (a) the institution remains responsible for the sub-contractor meeting all of the institution's obligations that are relevant for the training scheme:
 - (b) the sub-contractor will meet all relevant obligations in the Act and in rules made under section 253 of the Act in relation to the provision of the training scheme:
 - (c) there is a formal documented arrangement 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 provision of the training scheme:
 - (d) the information and advertising for the training clearly states that it is provided through a sub-contracting arrangement:
 - (e) all student enrolments are through the institution, and the institution maintains all student enrolment and academic information.
- 12.6 The use of sub-contractors by universities will be governed by decisions of Universities New Zealand under Rule 10.1 and under other powers it may exercise under section 253A the Act.

Appendix 2

Education (Exempt Training Schemes) Notice 2012

Education (Exempt Training Schemes) Notice 2012

The following notice is given by the New Zealand Qualifications Authority under section 232B(1)(b) of the Education Act 1989.

Notice

1. Title - This notice is the Education (Exempt Training Schemes) Notice 2012.

2. Commencement - This notice comes into force on [date]

3. Interpretation

In this notice:

“Corporate training” means study or training arranged for personnel of one or more organisations, where the study or training is paid for by the organisations, and it is not open for participation by the general public:

“Credit value” means the measurement of time spent on study or training, where each credit represents ten notional learning hours:

“Recreational in nature” means the training scheme is for the pursuit of recreation, pleasure or leisure (*including in the nature of a hobby*), and the skills gained are not designed to lead to further or higher study, or entry into employment.

4. Exempt training schemes –

The following classes of training schemes, which are of less than three months duration, are exempt for the purposes of section 232B(1)(b) of the Education Act 1989:

(a) training schemes that are recreational in nature:

(b) corporate training, but not including corporate training schemes that are designed for the purpose of meeting regulatory requirements for occupational registration, occupational licensing, or health and safety in the workplace:

(c) training schemes of less than a credit value of ten credits, but not including training schemes that are designed for the purpose of meeting regulatory requirements for occupational registration, occupational licensing, or health and safety in the workplace.

5. Revocation –

The section entitled “*Exemption criteria for the exemption of courses of less than three months*”, contained in the notice in the New Zealand Gazette of 10 July 2003 (No.78, at pages 2074 and 2075) entitled “*Criteria for the Exemption of Courses of Less Than Three Months Delivered to Foreign Students and Associated Withdrawal and Refund Criteria*”, is revoked.

Dated at Wellington this ... day of October 2012.

KAREN POUTASI (Dr), Chief Executive, acting under delegated authority from the Board of the New Zealand Qualifications Authority.

Explanatory Note

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on [to be inserted], sets out the training schemes of under three months for which certain tertiary education institutions do not require NZQA

approval under section 251 of the Education Act 1989 (*“the Act”*). Those tertiary institutions are universities, polytechnics, wānanga, and registered private training establishments.

A training scheme is study or training that leads to an award, such as a certificate or document granted in recognition of a student’s achievement and completion of study or training, but does not of itself lead to a qualification on the New Zealand Qualifications Framework.

By being exempt from approval, those tertiary education institutions may enrol international students in the exempt training schemes without committing an offence under section 292F of the Act.

The exempt training schemes are those for recreational activities (*eg, leisure or hobby activities like rope climbing or origami*), corporate training provided exclusively for personnel of employers, and those of less than 10 credits (*ie, being less than 100 notional learning hours*). However, where a training scheme of less than 10 credits is for the purpose of a regulatory requirement for occupational registration, occupational licensing, or health and safety in the workplace, it is not exempt. An example of training for a regulatory requirement is first aid training.

It is important to note that although a training scheme may be exempt from approval under section 251 of the Act, a tertiary education institution is not prevented from applying for approval of the training scheme under section 251. For example, a registered private training establishment may wish to obtain approval because the organisations to which it is providing corporate training require the training to be externally quality assured, or the registered private training establishment may wish to obtain the training scheme approval in order to avoid lapse of its registration under section 234(1) of the Act.