

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

NZQA Board: Date: 28 Nov 2022

Minister of Education:  Date: 22/12/2022

Consent to Assess Against Standards on the Directory of Assessment and Skill Standards Rules 2022

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 and Skill Standards provided for in section 437 of the Act

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

learner means a domestic student, international student, trainee, or apprentice

level means any of levels 1 to 10 of the NZQCF

NZQA means the New Zealand Qualifications Authority

NZQCF means the Qualifications and Credentials Framework described in section 436 of the Act

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.

- 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 where they are not part of an application for accreditation (*except from relevant schools*)

- 4.1 Applicants for accreditation to provide an approved programme or micro-credential which incorporates assessment or skill standards do not need to apply for consent to assess against those standards (*sections 441(4A) and 446A(4) of the Act authorise successful accreditation applicants to assess against those standards without needing to apply for a separate consent to assess*).
- 4.2 Other applicants for consent to assess (*except from relevant schools, to which rule 5 applies*), must include the following information in their application:
- (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 or skill standards, evidence of the assessment by the relevant standard-setting body of the applicant's ability to meet the consent and moderation requirements;
 - (d) where the Quality Assurance (including External Evaluation and Review (EER)) Rules apply to the applicant, evidence of how the applicant will carry out self-assessment and participate in external evaluation and review.
 - (e) an explanation of how the scope fits with the applicant's overall business planning and delivery intentions;
 - (f) evidence to show the applicant is able to design study or training, particularly in respect of the standards in the application.

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 4.2 and make available to NZQA where requested a copy of the documentation required in **Appendix 1**.
- 5.2 Where the application includes unit or skill standards, the relevant school must also provide details as required in paragraph (c) of rule 4.2.

6. Applications from holders of existing consents to assess to extend or reduce the scope of the consent to assess

- 6.1 A holder of a consent to assess (*other than a relevant school*) may at any time apply to extend the scope of the consent, providing the details in paragraphs (a), (b), and (c) of rule 4.2.
- 6.2 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 4.2;
 - (b) any updates to the documentation required in **Appendix 1**.

- 6.3 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.

7. Requests for Te Hono o Te Kahurangi quality assurance

- 7.1 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.
- 7.2 An applicant making a request under rule 7.1, in addition to providing the information required under rules 4 to 6, must provide the information that the Te Hono o Te Kahurangi quality assurance framework and tools require.
- 7.3 NZQA will evaluate a request made under rule 7.1, together with the information supplied, in accordance with Te Hono o Te Kahurangi quality assurance.
- 7.4 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.

8. Use of sub-contractors

- 8.1 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 learners clearly shows that the study or training involved is provided under a sub-contracting arrangement.
- 8.2 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.
- 8.3 NZQA will only grant approval to an application under rule 8.2 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 learner 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.
- 8.4 To continue to maintain approval granted under rule 8.3 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 8.3.

9. Approval of applications for consents to assess

- 9.1 NZQA will advise applicants for consents to assess if any of the requirements for the application require further work.
- 9.2 A site visit will be carried out where:
 - (a) the consent and moderation requirements specify a site visit; or
 - (b) NZQA considers it appropriate to do so in the circumstances.
- 9.3 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.
- 9.4 Where NZQA is satisfied that the requirements for the application have been met, NZQA will grant the consent and advise the applicant.
- 9.5 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.
- 9.6 Despite rule 9.5(b), where NZQA consider that the inability to meet the consent and moderation requirements can be addressed by conditions imposed under section 450 of the Act, NZQA may choose to approve the application with those conditions.
- 9.7 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.

Part 2

Maintaining consent and approval

10. Requirements to be met to maintain consent to assess (*except relevant schools*)

- 10.1 To maintain consent to assess in respect of the entire consent or particular classifications or standards, holders of the consent (*except relevant schools*) must:
 - (a) continue to:
 - (i) meet the consent and moderation requirements for the standards to which the consent relates; and
 - (ii) where the Quality Assurance (including External Evaluation and Review (EER)) Rules apply to the holder, carry out self-assessment and participate in external evaluation; and
 - (b) accurately report credits for learners 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, continue to comply with its relevant obligations in rules made under section 452(1)(m) of the Act 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.

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

- 11.1 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 rules made under section 452(1)(m) of the Act for the time being in force; and
- (c) in respect of unit and skill standards continue to meet the consent and moderation requirements for the standards to which the consent relates, and report credits for students to NZQA.

12. Use of sub-contractors

- 12.1 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.
- 12.2 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.

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

- 13.1 NZQA may notify a holder of a consent to assess where, over a period of two consecutive years, the holder has not reported credits in respect of a particular field, subfield, domain, or standard within the holder's consent.
- 13.2 Following notification to the holder, unless the holder satisfies NZQA that its consent to assess should not be reduced, NZQA may reduce the scope of the consent by removing the particular field, subfield, domain, or standard notified under rule 13.1.

Part 3

Revocation

14. Revocation

- 14.1 The Consent to Assess Against Standards on the Directory of Assessment Standards Rules 2021 are revoked.

Appendix 1

Quality management system

The school has a documented quality management system that:

- (a) reflects the Ministry of Education's "National Education Goals" 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.