

Delegation from Code Administrator to the New Zealand Vice Chancellors' Committee

Acting in its role as Code Administrator, and with the written approval of the Minister of Education 26 March 2023, the New Zealand Qualifications Authority delegates to the New Zealand Vice Chancellors' Committee, trading as Universities New Zealand ('UNZ'), the role within section 535A(3)(b)(i) of the Education and Training Act 2020 of monitoring the extent to which each university is complying with the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 ('the Code') and the role within section 535A(3)(b)(iv) to undertake periodic reviews of how universities are giving effect to the Code in order to assess the extent to which the purposes of the Code are being met. UNZ may consider any information (including self-reviews of learner wellbeing and safety practices) that it considers appropriate. In carrying out this monitoring role UNZ will focus on promoting ongoing improvement in practices.

The conditions on which this monitoring and periodic review role as delegated are set out in Appendix 1.

This delegation is made under section 535A(6) of the Education and Training Act 2020.

Signed by the NZQA Chief Executive, Dr Grant Klinkum, under delegated authority from the NZQA Board in item 4 of Table 17 of NZQA's Statutory Delegations Register dated 1 August 2022.



Date: 28 March 2023

Appendix 1

Conditions applying to this delegation of functions, duties and powers

This delegation is subject to the following conditions.

1. UNZ will carry out this delegated role through a formal UNZ delegation to its Committee on University Student Pastoral Care (CUSPaC) under clause 6 of Schedule 12 of the Education and Training Act 2020.
2. UNZ will have regard to any performance standards and priorities for code administrators set by the Minister of Education in the performance of its delegated role.
3. UNZ will exercise and perform its delegated role in a manner that honours Te Tiriti o Waitangi and supports Māori-Crown relationships.
4. ***Monitoring the extent to which universities are complying with the Code, with a focus on promoting ongoing improvement in practices***

4.1. UNZ will ensure the following are in place and implemented:

- 4.1.1. A process for ensuring that, when representatives are appointed to the Committee for University Student Pastoral Care (CUSPaC):
 - 4.1.1.1. diverse national students' associations are represented
 - 4.1.1.2. the student representatives receive adequate support, training, and if appropriate, remuneration to enable their equitable engagement in CUSPaC processes.
- 4.1.2. A process for monitoring universities' performance in relation to clause 89(1)(a) and (b) of the Code, which includes:
 - 4.1.2.1. being consistent with NZQA's expectations for interpreting and applying the Code and for effective self-review, as set out in NZQA guidelines, toolkits, and other published advice
 - 4.1.2.2. adapting, developing, and updating good practice guidelines and tools for universities' use, ensuring that these align with NZQA's high-level Code Administrator expectations, advice, guidelines, and toolkits for the sector as a whole
 - 4.1.2.3. keeping abreast of NZQA's Code monitoring in the wider tertiary education sector and, where appropriate, assuring consistency in terms of approach, focus areas, activities, and information considered
 - 4.1.2.4. agreeing with NZQA the key issues to focus on in relation to monitoring. This will usually be on a yearly basis but may be modified in response to emerging risks or issues identified through monitoring activities

- 4.1.2.5. considering appropriate information, including but not limited to the information listed within clause 89(2) of the Code
- 4.1.2.6. identifying and appropriately reporting Code compliance concerns, systemic issues, and/or significant weaknesses in pastoral care practices
- 4.1.2.7. sharing good practice and opportunities for improvement to encourage consistent high standards of pastoral care across universities
- 4.1.2.8. engaging with learners and with Māori.
- 4.1.3. A process for working with universities when issues that may be in the public interest arise, that:
 - 4.1.3.1. facilitates resolution at the lowest level appropriate
 - 4.1.3.2. provides transparency to learners, stakeholders, the public and agencies as appropriate.
- 4.1.4. A process for passing any complaints or referrals received by UNZ regarding Code compliance to NZQA.

4.2. UNZ will meet the following planning and reporting requirements:

4.2.1. Planning requirements:

- 4.2.1.1. UNZ will ensure an annual monitoring plan and schedule are developed to ensure the delegated monitoring role is being carried out effectively. The annual monitoring plan and schedule will be subject to the approval of NZQA.
- 4.2.1.2. The Terms of Reference for CUSPaC and the process for considering information appropriate for the delegated monitoring role will be detailed in the CUSPaC handbook. The CUSPaC handbook and any substantive changes to the handbook will be subject to the approval of NZQA.

4.2.2. Reporting requirements:

- 4.2.2.1. Findings from CUSPaC carrying out the delegated monitoring activities will be reported to NZQA by 31 May and published on the UNZ and NZQA websites by 31 August annually.
- 4.2.2.2. The findings report will:
 - comment on the universities' effectiveness in meeting all relevant outcome areas of the Code
 - clearly demonstrate how, where, and to what extent a diverse range of learners' and other relevant stakeholders' voices have been incorporated into the development, review and improvement of learner wellbeing and safety strategic goals, strategic plans, and practices at individual universities

- outline any actions to be undertaken by universities as a result of the findings report.

4.2.2.3. The implementation of any actions from the findings report, including ongoing activities in monitoring the actions, will be reported to NZQA on a quarterly basis no later than the 10th working day following the end of September, December, March and June.

4.2.2.4. Any systemic issues, significant weaknesses in pastoral care practices, or Code compliance concerns identified by either CUSPaC or UNZ, including any significant potential breaches that may warrant investigation, will be reported to NZQA within 4 working days of first identifying the concern.

5. Quarterly and Annual Reporting

5.1. UNZ will report quarterly to NZQA on CUSPaC's monitoring activities, the actioning of findings, systemic issues identified or risks requiring escalation.

5.2. UNZ will provide the information set out in clauses 4.2.2.2, 4.2.2.3, 4.2.2.4 and 5.1 to NZQA, at an aggregate level where relevant, annually by 31 May for inclusion in NZQA's Annual Report.

6. Sharing information

6.1. NZQA will be included in CUSPaC as an observer, with full access to documents presented to or produced by CUSPaC.

6.2. Upon request, UNZ will supply to NZQA a copy of the information used to monitor a university's performance.

6.3. UNZ and NZQA will consult and share appropriate information for the purpose of agreeing interventions for the improvement of the Code or compliance with it.

6.4. UNZ will work in collaboration with NZQA and DRS operators when a DRS operator seeks information relevant to a dispute from a university, or when obtaining information from a DRS operator to consider actions required by a university to support learner wellbeing and safety.

6.5. UNZ will support the promotion of the Code to universities and learners.

7. Performance of the delegation

7.1. UNZ will advise NZQA how it will manage any conflicts of interest that arise, or may arise, in relation to this delegated monitoring role. UNZ and NZQA will meet quarterly, following the submission of UNZ's findings report for that quarter, to discuss any emergent issues arising from the delegation, the university and CUSPaC review processes or findings, or other issues as requested by either party.

7.2. UNZ will engage with NZQA to review the performance of the delegation in October annually unless otherwise agreed between NZQA and UNZ. The review will include:

- the effectiveness of CUSPaC's monitoring processes

- consistency of CUSPaC's monitoring approach with the approach taken by NZQA across the non-university tertiary education sector (see 4.1.2 for specific requirements)
- the effectiveness of the information sharing and reporting arrangements of the delegation
- concerns relating to any of the conditions of delegation including planning and reporting requirements, management of conflicts of interest, and the functioning of CUSPaC.

7.3. NZQA will seek feedback directly from CUSPaC to inform the review.

Changes to the conditions of delegation may be proposed as a result of the review.

7.4. The operation of the delegation will be a standing agenda item at the Joint Consultative Group (JCG).

7.5. The delegation can be revoked, or amended by NZQA in consultation with UNZ and the Ministry of Education, and seeking any Ministerial approval that may be necessary.