

Training Scheme Amendment Rules 2017

1. Authority

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

2. Commencement

- 2.1 These amendment Rules come into effect on 28 days after the date of approval of the Minister under section 253(5) of the Education Act 1989.

3. Training Scheme Rules 2012 amended

- 3.1 The Training Scheme Rules 2012 (the principal Rules) are amended as shown in the edited copy of the principal Rules in the Appendix.

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 commence 28 days after the date of approval of the Minister under section 253(5) of the Education Act 1989:

- adds a note advising of the commencement date of the principal Rules:
- clarifies that a training scheme level is equivalent to NZQF levels:
- enables applicants for training scheme approval to request Te Hono o Te Kahurangi quality assurance for evaluation of their application:
- adds a requirement for ongoing review and monitoring of training schemes:
- inserts information requirements for sub-contracting arrangements notified under Rule 12.1, provides for ongoing sub-contracting management obligations under new Rule 12.5A, and clarifies that the sub-contracting requirements also apply to parts of training schemes:
- unless the exception in new Rule 18.3 applies, enrolment in a training scheme at levels 3 and above will be subject to the same English language proficiency requirements for international students which are set out in Rule 18 (*and Rule 18A where relevant*) and in the Table in the Appendix of the NZQF Programme Approval and Accreditation Rules 2013.

These Rules are administered by the New Zealand Qualifications Authority

APPENDIX

EXPIRED

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.

[\[Note: these Rules commenced on 30 October 2012\]](#)

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, statements of confidence that are either:

- (a) *Highly Confident* in both educational performance and organisational capability in self-assessment; or
- (b) *Highly Confident* in educational performance and *Confident* 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, wananga, government training establishments, registered private training establishments, relevant schools, industry training organisations, and other bodies:

Level means [a level equivalent to](#) 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:

[Te Hono o Te Kahurangi quality assurance means applying Te Hono o Te Kahurangi whare ako framework and quality assurance tools for training schemes, as that framework and those tools are published by NZQA from time to time on its website:](#)

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.

3.2 For the purpose of applying Te Hono o Te Kahurangi quality assurance, unless the context otherwise requires references in these Rules to:

- (a) “educational performance” are to be treated as references to “organisational performance”:
- (b) “self-assessment” are to be treated as references to “self-reflective practice”:
- (c) “Highly Confident” are to be treated as references to “He pounamu kahurangi”:
- (d) “Confident” are to be treated as references to “He pounamu whakairo”.

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 ākongā, 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.

Criterion 6 Ongoing review and monitoring

There is an effective process for the ongoing review of the training scheme (for the purposes of content and currency) and for monitoring the outcomes for students and stakeholders.

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:
 - (i) the needs of intended students, and relevant industry, community, and employer needs; or:
 - (ii) the needs of ākonga, whānau, hapū, iwi, and (where appropriate) hāpori Māori for applications to be assessed under Te Hono o Te Kahurangi quality assurance:
 - (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.

5A. Requests for Te Hono o Te Kahurangi quality assurance

5A.1 When applying for training scheme approval, an applicant may request that Te Hono o Te Kahurangi quality assurance is used for assessment of the application.

5A.2 An applicant making a request under Rule 5A.1, in addition to providing the relevant information required under Rule 5.1, must also provide the information that the Te Hono o Te Kahurangi quality assurance framework and tools require.

5A.3 NZQA will evaluate a request made under Rule 5A.1, together with the information supplied, in accordance with Te Hono o Te Kahurangi quality assurance.

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”, “under-graduate” or “post-graduate” 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:
- meet the criteria set out in Rule 4.1: and
 - 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 an approved training scheme or part of an approved 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 or part being provided, and supply the following information with that notification:
- a copy of the sub-contracting agreement which must outline the responsibilities and obligations of the parties:
 - the duration of the arrangement:
 - the reasons for the arrangement:
 - 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.
- 12.3 Where an institution proposes to use a sub-contractor to provide an approved training scheme or part of an approved training scheme that the institution has been granted approval to provide, and the sub-contractor 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:
- the name of the sub-contractor:
 - identification of the training scheme(s) or part(s) to be provided under the arrangement:
 - the rationale for the proposed sub-contracting arrangement:
 - 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:
- the institution remains responsible for the sub-contractor meeting all of the institution's obligations that are relevant for the training scheme or part:

- (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 or part:
- (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.

12.5A To continue to maintain approval under Rule 12.5 an institution must ensure the sub-contracting is conducted at all times in accordance with the requirements set out in paragraphs (a) to (e) of Rule 12.5.

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.

Part 5

International Student English Language Proficiency

13. English Language Proficiency Requirements for International Students

13.1 Unless the exception in Rule 13.3 applies, Rule 18 (and where relevant Rule 18A) of the NZQF Programme Approval and Accreditation Rules 2016 applies to enrolments of international students in training schemes which have a level of 3 to 10 published under Rule 9.5.

13.2 For the purposes of Rule 13.1, references in Rule 18 of the NZQF Programme Approval and Accreditation Rules 2016 to “programme” are to be treated as references to “training scheme”.

13.3 Rule 13.1 does not apply to enrolments of a student in a training scheme where the student’s employer either organises the training, or requires or funds the student’s enrolment.