
To	Te Poari Mātauranga Academic Board	From	Simon Tries, Manager, Te Korowai Kahurangi
Title	Annual Statutory Declaration to NZQA	Date	28 May 2020

Recommendation

That Te Poari Mātauranga:

- note that the Interim Chief Executive's Annual Statutory Declaration has been provided to the New Zealand Qualifications Authority
- note that the identified non-compliances are being addressed.

Purpose

To advise Te Poari Mātauranga that the New Zealand Qualifications Authority's (NZQA) *Tertiary Education Institution (TEI)* Annual Return Statutory Declaration (SD02)* has been completed and to provide a summary of the outcomes.

Background

[The Quality Assurance \(including External Evaluation and Review \(EER\)\) Rules 2016](#) (14B) require tertiary education organisations to provide NZQA with an annual statutory declaration. This declaration by the Chief Executive attests that the organisation is complying with its obligations under the Education Act 1989 (the Act) and various NZQA Rules. The declaration must be provided to NZQA within five months of the end of the financial year (by 31 May 2019).

In order to provide assurance to the Chief Executive Te Korowai Kahurangi undertook to gather evidence from relevant parts of Unitec to inform the attestation. This is the same approach utilised as per the previous statutory declaration and includes evidence from: Academic Programme Managers, Academic Operations, Research and Enterprise and Te Korowai Kahurangi.

Findings

Respondents to the various questions were requested to respond to the questionnaires for the period up to the start of the Covid-19 related lockdown.

A requirement of the Statutory Declaration is the identification of any issues leading to non-compliance and the creation of an action plan to address those issues. A summary of the key issues identified is below.

In some instances, a programme may have been identified as being non-compliant with Unitec policy but compliant with the statutory requirement. These instances have not been recorded below but will be followed up separately.

It is pleasing to note that the non-compliances identified during this process were generally already known, and were in the process of being addressed. The results also note a significant improvement on the previous outcomes.

Statutory Reference

Education Act 1989 (ITPs and wānanga only)

Section 182 (2) – Establishment of Academic Boards

Section 224 – Enrolment of students

Level of compliance

Compliant

Compliant

Industry Training and Apprenticeships Act 1992 (ITOs only)

NZQF Programme Approval and Accreditation Rules 2018

Part 5 – Maintaining programme approval & accreditation

Not applicable

Marginal non-compliance in specific programmes, as per course durations report

Part 7 – Use of sub-contractors and English language entry requirements

Compliant

Occasional instances of non-compliance in relation to international enrolments due to human error, identified through internal QA processes and rectified.

Training Scheme Rules 2012

Part 3 – Maintaining training scheme approval

Part 4 – Use of sub-contractors

Compliant

Compliant

Consent to Assess Against Standards on the Directory of Assessment Standards Rules 2011

Part 2 – Maintaining consent and use of sub-contractors

Non-Compliant:

- SiteSafe historical reporting
- BeSafe sub-contracting
- NZ First Aid NZ sub-contracting

NZQF Offshore Delivery Rules 2012

Rule 9 – Requirements to be met to maintain approval

NZQF Qualification Listing and Operational Rules 2016

Rule 13 – Responsibilities of qualification developers

Rule 16 – Award of qualifications

Not applicable

Compliant

Compliant

Specific findings

The following issues had been identified prior to the collection of evidence to support the Statutory Declaration. These were:

- *historic SiteSafe reporting requirements*, which relate unit standard reporting requirements. NZQA is fully aware of this issue and the actions being taken to resolve.
- the *course duration* issue which was the subject of thorough investigation at the end of 2019. The Programme Refresh Project, which was launched to address the issues identified, is in progress. NZQA is fully aware of this issue and the actions being taken to resolve.

- *The retention of assessment material*, which was identified as an issue during the last statutory declaration, and at more recent NZQA monitoring visits for the *New Zealand Diploma in Business* (Level 5) and the *New Zealand Certificate in English (Academic)* (Level 5). In both instances, there were partial non-compliances which have now been rectified.

More broadly, a number of programmes have indicated non-compliance prior to 2020 with the requirement to retain originals or copies of all assessment materials. Following the last annual attestation, *Guidelines for the Retention of Assessment Materials* were developed and the requirements clearly communicated. The responses from the statutory declaration surveys indicates broad awareness of the requirement. Some further guidance may be required in specific circumstances. Note that Unitec is exempted by NZQA from these requirements (with the exception of the above two programmes) through to the end of 2020.

The following issues were identified as a result of the collection of evidence to support the Statutory Declaration:

- *Notification of Sub-contracting arrangements*; two sub-contracting agreements are in place which had not been notified to NZQA.
 - o *BeSafe -signed 20 March – will be notified to NZQA.*
 - o *First Aid NZ Ltd – this arrangement has been in place for many years, however, a contract is not able to be located. Either the existing agreement will be located or a new agreement signed.*
- *Moderation* has been noted as an issue for the occasional course within a small number of programmes. These will be followed up individually and an action plan put in place in each instance.

Next Steps

- Te Korowai Kahurangi to work with those areas where non-compliances have been identified.