



Tonga

**TONGA NATIONAL QUALIFICATIONS
AND ACCREDITATION REGULATIONS
2010**



TONGA NATIONAL QUALIFICATIONS AND ACCREDITATION REGULATIONS 2010

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TONGA NATIONAL QUALIFICATIONS AND ACCREDITATION REGULATIONS 2010

TONGA NATIONAL QUALIFICATIONS AND ACCREDITATION BOARD ACT 2004

*IN EXERCISE of the powers conferred by section 26 of the Tonga National
Qualifications and Accreditation Board Act 2004, the Minister of Education
with the consent of Cabinet makes the following Regulations -*

PART 1 - PRELIMINARY

1 Short Title

These Regulations may be cited as the Tonga National Qualifications and Accreditation Regulations 2010.

2 Interpretation

In these Regulations unless the context otherwise requires -

“**Act**” means the Tonga National Qualifications and Accreditation Board Act 2004;

“**candidate**” means a student eligible to sit a specified and approved examination or to enrol in a course of study;

“**credit**” means the value ascribed to a particular set of educational outcomes;

“**learning outcome**” means the specific knowledge, skills and attitudes that the student should be able to demonstrate and describes in student centered terms, the intended results of planned learning experiences;

“registration” means the recognition given by the Board to an educational provider to deliver post compulsory education and training courses of study to specified standards;

“subject” means a named combination of related skills and knowledge which is seen as a separate teaching and learning discipline with its own curriculum; and

“level descriptors” define the learning outcomes of qualifications and their components in terms of knowledge and understanding, competence, skills and responsibility, for each of the levels of the Tonga Qualifications Framework.

PART 2 – BOARD PROCEDURES

3 Conduct of meetings

- (1) The Board shall conduct its meetings as follows –
 - (a) co-opt any person to assist it at any of its meetings, provided that such co-opted person shall not have the right to vote at any Board meeting;
 - (b) the Chairman may call meetings of the Board as often as may be required and at such times and places as the Chairman shall determine, provided that the Board shall meet at least once every two months;
 - (c) any matters arising at a meeting of the Board shall be decided by a simple majority of the members present, and in the case of equality of votes, the Chairman shall have the casting vote;
 - (d) a member of the Board who has any direct or indirect personal or pecuniary interest in any matter coming before the Board shall, on each and every occasion on which the matter comes before the Board, and as soon as possible after the relevant facts have come to the member’s knowledge, declare their interest in the matter;
 - (e) a disclosure of interest in paragraph (d) shall be recorded in the minutes of the meeting of the Board, and the member shall not be present during any deliberation of the Board with respect to the matter, and shall not take part in any vote of the Board with respect to that matter;
 - (f) the Board shall keep proper minutes of all its proceedings; and
 - (g) meetings of the Board are expected to be public.
- (2) In exceptional cases of a sensitive nature, the Board may choose to go into committee, thereby excluding all except Board members.
- (3) Committee discussions shall not be recorded in the minutes, but any resolution resulting from such discussion shall be recorded.

4 Principles

Board members shall comply with the following principles -

- (a) have a fundamental obligation to act in a fair and impartial manner;
- (b) maintain confidentiality;
- (c) declare all potential conflicts of interest in accordance with regulation 3(1)(d) and (e);
- (d) avoid situations where their personal interests interfere, or appear to interfere, with the interest of the Board; and
- (e) shall not give or receive gifts in relation to their work as Board members.

5 Appraisal of Chief Executive Officer

The performance of the Chief Executive Officer shall be appraised in accordance with his contract of employment.

6 Appointment and Dismissal of Staff

The Board may appoint and dismiss any staff according to law.

7 Delegation of authority

- (1) The Board may delegate its powers, except this power of delegation, to anyone of its members, a Committee of the Board, or the Chief Executive Officer.
- (2) All delegations shall be officially recorded in the minutes and listed on the Board's delegations Register.

8 Committees of the Board

- (1) The Board may establish committees and such committees may include non Board members.
- (2) An Audit and Compliance Committee shall be established, with the terms of reference detailed in Schedule A.
- (3) The Appeal Committee established under section 21(1) of the Act shall be convened within 20 working days of an appeal being filed.
- (4) The committees shall conduct its meetings in accordance with regulation 3.
- (5) The Board shall approve short-life sector working committees or industry training advisory committees, with specified terms of reference, when required to develop or review national qualifications for a particular industry or community sector and adapt international qualifications to suit Tonga.

9 Revenues and fees

- (1) The fees specified in Schedule E shall be those prescribed for the purposes of the Act and these Regulations
- (2) The revenues of the Board shall consist of –
 - (a) the prescribed fees specified in Schedule E;
 - (b) such grants as may be provided by the Government; and
 - (c) other funds that may properly accrue to the Board from any other source.

10 Records and Accounts

Records and accounts shall be kept in accordance with section 15 of the Act.

11 Protection from liability

No member of the Board shall be personally liable for any act done or omitted and in pursuance of the functions of the Board, provided it was done in good faith.

12 Internal audit

- (1) There shall be a system of internal audit, to verify that all systems and procedures are being operated in accordance with accepted professional standards.
- (2) The internal auditor shall report directly to the Chairman of the Board.

PART 3 – TONGA QUALIFICATIONS FRAMEWORK

13 The Framework

The Tonga Qualifications Framework shall–

- (a) consist of levels defined by a set of level descriptors relating to the complexity of the learning outcomes attained; and
- (b) include all post compulsory education and training qualifications that have been accredited by the Board or by an overseas quality assurance agency recognised by the Board.

14 Qualification characteristics, titles and definitions

- (1) Each qualification on the Tonga Qualifications Framework shall have a statement of learning outcomes which includes –

- (a) what the whole qualification represents in terms of the application of knowledge, understanding, skills and attitudes; and
 - (b) the components of the qualification which, in their combination, make up the whole qualification.
- (2) Each qualification on the Tonga Qualifications Framework shall have a credit value attached to it.
- (3) Each qualification shall be assigned to one of the levels of the Tonga Qualifications Framework.
- (4) Three broad types of qualifications shall be placed on the Tonga Qualifications Framework – degrees, diplomas and certificates.
- (5) Each qualification shall be defined by characteristics and credit requirements based on those listed in Schedule B.
- (6) The terms “Tonga”, “Tongan” and “National” in relation to qualifications shall only be used in the titles of the Board approved qualifications that have been developed nationally.

PART 4 – QUALITY ASSURANCE OF EDUCATION AND TRAINING PROVIDERS

15 Quality standards

Providers of post compulsory education and training accredited by the Board shall meet the registration and accreditation quality standards specified in Schedule C.

16 Register of accredited providers

- (1) The Board shall maintain a register of all accredited providers of post compulsory education and training.
- (2) The Board shall remove from such register any provider whose registration is cancelled.
- (3) In addition to regulation 15, the Board shall only register a provider as a university if the provider meets the characteristics of a university as set by the Board.

17 Application for accreditation for courses of study and short courses

- (1) All persons, organisations and institutions wishing to provide post compulsory education and training shall apply to the Board, in the form prescribed in Schedule D for accreditation in respect of each –
 - (a) course of study leading to a stated qualification; and

- (b) short course made up of units from a course of study leading to a stated qualification.
- (2) The applicant shall –
 - (a) submit with the application supporting evidence that it has an appropriate system for managing quality that covers and meets the accreditation quality standards detailed in Schedule C; and
 - (b) pay the prescribed fee.
- (3) All applications shall be processed within six weeks of receipt.

18 Granting accreditation

- (1) The Board shall –
 - (a) grant accreditation for specified courses of study and short courses for a specified period provided that at the end of that period an application for review shall be made to the Board; and
 - (b) require the Chief Executive Officer to evaluate any application made to it, conduct such verification of the contents of the application, including a site visit if deemed necessary, and duly report to it the level of compliance with the quality standards set for accreditation.
- (2) The Board may grant accreditation when the applicant for accreditation meets the quality standards specified in Schedule C.
- (3) The Board may enlist the assistance of such industry or subject experts as necessary to determine the capacity of the applicant to deliver the course of study and short courses.
- (4) The applicant shall be informed of the involvement of specific industry or subject experts in the consideration of an application for accreditation.
- (5) Accreditation shall be granted for specified courses of study and short courses subject to conditions imposed by the Board.
- (6) In the event that an application for accreditation is not granted, the notification to the applicant shall include reasons.

19 Certificates of registration and accreditation

- (1) Upon grant of accreditation, the Board shall authorise the issue of a Certificate of Accreditation, and, where the successful applicant has not been previously registered, a Certificate of Registration.
- (2) Accreditation shall be deemed to commence from the date of issue of the Certificate of Accreditation.
- (3) The Board shall record the issuance of all Certificates of Accreditation in the Register of Accreditation by recording the following -

- (a) the legal name (and trading name where this is different) of the accredited body;
 - (b) the accreditation number allocated to that body;
 - (c) the date accreditation was granted;
 - (d) the period of accreditation granted (or the scheduled date for review or quality audit);
 - (e) the site for which accreditation has been granted;
 - (f) the scope of accreditation granted; and
 - (g) any accreditation conditions imposed by the Board.
- (4) Accredited bodies shall display the Certificate of Registration and Certificate of Accreditation and courses of study and short courses covered by the Certificate in a conspicuous place.

20 Notification of significant changes

- (1) An accredited body shall notify the Board, in writing within 14 days, of any changes to –
- (a) ownership;
 - (b) legal status;
 - (c) legal and trading name;
 - (d) decision to cease operations;
 - (e) location of any head office;
 - (f) composition of the governing body;
 - (g) senior management personnel;
 - (h) funding sources;
 - (i) any franchising or partnership arrangements;
 - (j) delivery site; and
 - (k) mode of delivery of any course covered by the accreditation in a significant manner,
- that may affect the validity of any previous decision by the Board to issue registration and grant accreditation.
- (2) Upon receipt of notification under sub-regulation (1), the Board shall initiate such investigations as are necessary to determine the effect of the change on the ability of the accredited body to meet the criteria for registration and accreditation.
- (3) The Board may decide as a result of an investigation under sub-regulation (2), and acting on a written report from the Chief Executive Officer, to –

- (a) initiate formal processes towards the cancellation, in whole or in part, of the accreditation granted to the accredited body;
 - (b) impose additional conditions to the accreditation granted; or
 - (c) allow the accreditation to continue until the next scheduled review or quality audit.
- (4) All new conditions or details as to the character of the provider shall be entered in the Register of Approved Providers of Education and Training.

21 Review and quality audit

Reviews and quality audits shall include an investigation of the ability of the provider to continue to meet the quality standards listed in Schedule C.

PART 5 – QUALITY ASSURANCE OF WORKPLACE LEARNING

22 Quality standards for on-job training providers

Workplace learning shall meet Accreditation Standard 3 in Schedule C.

23 Application for workplace accreditation

All persons wishing to provide on-job training or workplace learning opportunities shall apply to the Board, in the form prescribed in Schedule D.

Made at Nuku'alofa this 20th day of October 2010.

Minister of Education

SCHEDULE A

TERMS OF REFERENCE FOR THE AUDIT AND COMPLIANCE COMMITTEE

1. The Audit and Compliance Committee of the Board shall -
 - (a) scrutinise the financial information presented by the Chief Executive Officer to the Board;
 - (b) review the audited annual financial statements and supporting narratives of the Board;
 - (c) review the report of the external financial auditor;
 - (d) review the effectiveness and efficiency of management processes, risk management and internal financial controls;
 - (e) approve the internal financial and quality audit annual programme and receive regular reports from the internal auditor on risks, exposures, statutory compliance and any other matters arising from routine and special purpose audits;
 - (f) monitor and review quality audits; and
 - (g) enforce compliance with regulatory and statutory requirements and obligations.
2. The Committee shall meet at least once every month.
3. The Chairman shall report to the Board on the operations of the Committee.
4. The Chairman of the Board shall not be the Chairman of the Committee.
5. The Committee shall consist of a Chairman and two other members.

SCHEDULE B**QUALIFICATION TITLES AND CHARACTERISTICS**

Each qualification shall be defined by characteristics and credit requirements based on the following –

- (1) **Certificates** may be used in a wide range of contexts across all levels, and are used to prepare candidates for both employment and further education and training. A certificate is the minimum qualification that can be placed on the Tonga Qualifications Framework.
- (2) **Diplomas** prepare learners for self-directed application of skills and knowledge. These qualifications recognise capacity for initiative and judgement across a broad range of educational and vocational areas. They recognise a capacity for initiative and judgement in technical, professional, or management roles and build on prior qualifications or experience.
- (3) **Degrees** are awarded on the basis of the satisfactory completion of a course of advanced learning that is taught by people engaged in research, and that emphasises general principles and knowledge as the basis for self-directed work and learning. Four types of degrees are available –
 - (a) Doctoral
 - (b) Masters
 - (c) Bachelors with Honours
 - (d) Bachelors
- (4) **Graduate Certificates and Graduate Diplomas** are designed for degree graduates to broaden their knowledge and skills at an undergraduate level, either in a familiar subject or discipline or in a new area.
- (5) **Postgraduate Certificates and Postgraduate Diplomas** extend and deepen a candidate's knowledge and skills by building on attainment in the principal subject(s) of a qualifying bachelors degree.

SCHEDULE C

REGISTRATION AND ACCREDITATION QUALITY STANDARDS

For the purposes of this Schedule, “External stakeholders” may include teaching staff from other providers delivering similar courses of study, industry representatives, professional bodies, community representatives or government ministry representatives.

The following are minimum standards for post compulsory education and training providers. A new provider shall meet Accreditation Standard 1, elements 1.1 to 1.5, before being registered. Accreditation Standard 2, elements 2.1 to 2.6, shall be met for each qualification, course of study and short course prior to delivery. In addition to Accreditation Standards 1 and 2, Accreditation Standard 3, elements 3.1 to 3.12, shall be met by the provider on an ongoing basis.

Accreditation Standard 1: The provider is established and organised to provide quality education and training.

- 1.1 The provider or its governing body is a legally established or recognised enduring body.
- 1.2 The provider has measurable goals and objectives for education and training.
- 1.3 The provider has a coherent, documented quality management system of policies and procedures.
- 1.4 The provider has adequate and appropriate governance and management to achieve its education and training goals and objectives.
- 1.5 The provider’s name is appropriate and does not mislead learners about the nature of the educational and training provision.

Accreditation Standard 2: An educationally sound and effective process is used for the development, approval and review of all qualifications and courses associated with the provider.

For each qualification, course of study and short course -

- 2.1 The title is appropriate and complies with the requirements of the Tonga Qualifications Framework.
- 2.2 The learning outcomes have been developed and reviewed, where appropriate, in consultation with relevant external and internal stakeholders.
- 2.3 The learning outcomes and credit requirements are clearly defined and consistent with the requirements of the Tonga Qualifications Framework.
- 2.4 The entry requirements are defined and are fair.
- 2.5 The assessment system is appropriate and relevant to the learning outcomes.
- 2.6 There is an appropriate system to moderate assessments.

Accreditation Standard 3: The provider is delivering quality education and training.

- 3.1 The provider's quality management system is effectively applied to the whole organisation, and is regularly reviewed and updated.
- 3.2 The provider has adequate and appropriate physical and learning resources to deliver its qualifications and courses of study.
- 3.3 Staff qualifications and experience meet the requirements of the Act.
- 3.4 Appropriate staff development plans, based on identified needs, are implemented and outcomes monitored to ensure effectiveness.
- 3.5 Appropriate entry and selection criteria for each course of study and short course are well publicised and applied consistently.
- 3.6 Timely, effective and appropriate student guidance and support systems are provided.
- 3.7 The provider defines and implements effective teaching and learning practices that are educationally sound and appropriate to the course of study and mode of delivery.
- 3.8 Course delivery undertaken in partnership with, on behalf of, or by another organisation either inside Tonga or outside Tonga, meets the standards set in the provider's quality management system.
- 3.9 Any off-site practical or workplace components of courses of study are effective and integrated into curricula.
- 3.10 The assessment of learning outcomes is fair, valid and consistently applied.
- 3.11 Notification of results and reporting on student achievement is adequate and appropriate.
- 3.12 Where degree courses of study are offered, adequate resources and support are provided to meet the provider's defined research goals and objectives.

SCHEDULE D

FORM 1 - REGISTRATION APPLICATION FORM

These details are required of all organisations applying for registration to offer post compulsory education and training services and workplace.

A. Organisation Details		
Name of education, training or workplace organisation		
Type of body corporate		
Physical address of education and training premises		
Postal address		
Governing body		
B. Contact Details		
Contact person		
Designation		
Telephone number(s)		
Facsimile number		
Email address		
Website		
C. Nature of Intended Education and Training		
Indicate the intended education and training focus, such as subject areas, qualifications, courses of study and short courses, that the organisation intends to offer [<i>use additional paper if needed or attach appropriate documents</i>]		
D. Intended Learner Profile		
Indicate in these boxes the estimated number of students in each age group that are likely to enrol in your organisation's programmes during the next calendar year	18 years and over	
	14–17 years	
	11–13 years	
	10 years and under	
E. Accreditation of Education and Training Courses		Yes [✓]

Indicate whether the organisation has lodged an application for accreditation at the same time as its application for registration (<i>see separate TNQAB application form</i>)	
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Statement of Management Commitment

We, the undersigned, confirm that this application for registration as a post compulsory education and training provider represents an accurate statement of the current status and operations of our organisation and that the governing body supports the policies and procedures included in the application.

We confirm that the governing body has been advised of the Tonga National Qualifications and Accreditation Board Act 2004 and of Tonga National Qualifications and Accreditation Board policies and procedures of relevance to the activities of the organisation and that to the best of our knowledge these activities comply with relevant requirements therein.

We confirm that we have considered any aspects of our operations that may place students or the public at risk and have implemented policies and procedures to ensure their protection.

Name :

[Representative of the Governing Body]

Signature:

Date :

Name :

[Principal, Director, Manager etc]

Signature:

Date :

Contact details

Please send the completed application form, along with all relevant supporting documentation, to:

Tonga National Qualifications and Accreditation Board
PO Box 65
Nuku'alofa

FORM 2 - ACCREDITATION APPLICATION FORM

These details are required of post compulsory education and training providers applying for accreditation to deliver either courses of study leading to a stated qualification or short courses made up of units of a course of study which may lead to a stated qualification.

A. Organisation Details	
Name of education and training provider	
Type of body corporate	
Physical address of education and training premises	
Postal address	
Governing body	
B. Contact Details	
Contact person	
Designation	
Telephone number(s)	
Facsimile number	
Email address	
Website	
C. Courses of Study and Short Courses for which Accreditation is sought	
<ul style="list-style-type: none"> • Attach evidence that the provider meets both Accreditation Standard 1 and Accreditation Standard 2 for each listed course of study and short course, and Accreditation Standard 3 for existing courses of study and short courses. • Ensure that all details listed under section 10(2) of the Tonga National Qualifications and Accreditation Board Act 2004 are included with this application. 	
D. Education and Training Provider Registration	Yes [✓]
Indicate whether the provider has lodged an application for registration at the same time as its application for accreditation (<i>see separate TNQAB application form</i>)	

Statement of Management Commitment

SCHEDULE D

We, the undersigned, confirm that this application for post compulsory education and training accreditation represents an accurate statement of the current status and operation of our organisation with regard to the courses of study and short courses listed, and is supported by the governing body.

We confirm that the governing body has been advised of the Tonga National Qualifications and Accreditation Board Act 2004 and of Tonga National Qualifications and Accreditation Board policies and procedures of relevance to the activities of the organisation and that to the best of our knowledge these activities comply with relevant requirements therein.

We confirm that we have considered any aspects of our operations that may place students or the public at risk and have implemented policies and procedures to ensure their protection.

Name :

[Representative of the Governing Body]

Signature:

Date :

Name :

[Principal, Director, Manager etc]

Signature:

Date :

Contact details

Please send the completed application form, along with all relevant supporting documentation, to:

Tonga National Qualifications and Accreditation Board
PO Box 65
Nuku'alofa

SCHEDULE E

FEEES

Item		Fee
1	Provider Registration Initial Fee	\$500
2	Provider Registration Annual Fee	\$200 + \$10 <i>per student full time equivalent</i>
3	Accreditation Base Fee (per course of study at all levels)	\$500
4	Fee per Accreditation Panel Member (All levels)	\$250 <i>per day</i>
5	Quality Audit Base Fee	\$500
6	Fee per Quality Audit Panel Member	\$250 <i>per day</i>

1. The fees for items 1 and 2 shall commence on 1 July 2011.
2. All fees collected by the Board are subject to Consumption Tax.
3. Student full time equivalent are calculated on the basis that a student studying on a full-time programme for one year is 1full time equivalent. Full time equivalent for part-year and part-time students will be calculated based on the previous year (2 semesters) using the same formula that Ministry of Education uses to determine the head count funding provision.
4. Where specialists need to be used from overseas, they shall be paid at an equivalent rate to that paid for equivalent work in their respective countries.