

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

NZQA Board:  Date: 12 February 2021

Minister of Education:  Date: 15 March 2021.....

# Private Training Establishment Registration Rules 2021

## 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:

**accreditation** means accreditation to provide all or part of an approved programme under section 441 of the Act

**Act** means the Education and Training Act 2020

**Annual Financial Return** means the Independent Assurance Practitioner's Review (IAPR) or an independent auditor's report

**category 1 PTE** means a PTE 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 educational performance and *Highly Confident* in organisational capability in self-assessment; or
- (b) *Highly Confident* in educational performance and *Confident* in organisational capability in self-assessment

**consent to assess** means a consent to assess against standards granted under section 449 of the Act

**external evaluation and review (or "EER")** means the quality assurance system known as EER that is set out in rules made under section 452(1)(t) of the Act

**financial year of the PTE** means the year ending on the *balance date* of the PTE, within the meaning of section 7 of the Financial Reporting Act 1993

**level** means any of levels 1 to 10 on the NZQF

**NZQA** means the New Zealand Qualifications Authority

**NZQF** means the New Zealand Qualifications Framework

**programme** has the same meaning as in section 10(1) of the Act, but excludes programmes to which the Industry Training Programme Approval Rules 2021 (*including any amended or revised version*) apply

**PTE** means private training establishment

**qualification** means a qualification listed on the NZQF

**signatory provider** means a provider that is a signatory to a code issued under section 534(1)(b) or (c) of the Act

**standard** means a standard listed on the Directory of Assessment Standards, as provided for in section 437 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 the registration of private training establishments, as that framework and those tools are published by NZQA from time to time on its website.

- 3.2 Where Te Hono o Te Kahurangi quality assurance for EER has been applied to a PTE, 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

### Registration information and applications

#### 4. Information required in applications for registration of private training establishments

- 4.1 In addition to the information required by section 344(2)(a) – (e) of the Act for applications for registration of a PTE, the following further information is required for the purposes of section 344(2)(f) of the Act:
- (a) a list of the names of the governing members (*as that term is defined in section 10(1) of the Act*):
  - (b) a list of any material conflicts of interest of the PTE, and of any interests of the PTE, or of its body corporate owner(s), in organisations in the education or immigration sector that provide goods or services to tertiary students:
  - (c) in the context of the information required by section 344(2)(a) of the Act (*being the kinds of education proposed to be provided and the outcomes the establishment seeks to achieve*), a description of how the PTE will meet the needs of its intended students, of its relevant communities (*including whānau, hapū, iwi, or hāpori Māori*) and other key stakeholders (*including any relevant academic, employer, industry, runānga, mārae, professional and other bodies*):
  - (d) an organisation chart of the staff positions (*whether employees or contracted staff*) and the names of the staff currently in, or appointed to, those positions:
  - (e) copies of the curriculum vitae and position descriptions of senior managers (*as defined in*

*section 10(1) of the Act):*

- (f) a copy of the PTE's quality management system that applies across all aspects of its business and as a minimum must include policies and procedures for:
    - (i) organisational self-assessment for the purposes of EER:
    - (ii) decision-making, financial delegations, and financial controls:
    - (iii) personnel recruitment and management:
    - (iv) information management, including systems for the collection, recording and transfer of student records, and financial, statistical and other information that the PTE must supply to, or keep available for, government agencies:
    - (v) enrolment procedures:
    - (vi) management of risks:
    - (vii) student complaints, student discipline and appeals, ensuring the policies and procedures are fair and equitable:
    - (viii) compliance with rules made under section 452(1)(e) of the Act for student fee protection.
- 4.2 Applicants must use the application form available on NZQA's website, and pay a deposit of \$750 GST inclusive to NZQA.

## **5. Requests for Te Hono o Te Kahurangi quality assurance**

- 5.1 When applying for registration of a PTE, an applicant may request that Te Hono o Te Kahurangi quality assurance is used for assessment of the application.
- 5.2 An applicant making a request under rule 5.1, in addition to providing the information required under rule 4.1, must provide the information that the Te Hono o Te Kahurangi quality assurance framework and tools require.
- 5.3 NZQA will evaluate a request made under rule 5.1, together with the information supplied, in accordance with Te Hono o Te Kahurangi quality assurance.

## **Part 2**

### **Requirements for maintaining registration**

#### **6 Requirements to be met for PTEs to maintain registration**

- 6.1 To continue to maintain registration, a PTE must comply with the following requirements set out in rules 6.1.1 - 6.1.9.

##### **6.1.1- Status, ownership, interests, sites, and environment**

- (a) continue to be a body corporate:
- (b) seek NZQA approval where the ownership of the PTE changes, prior to the ownership change taking place:
- (c) notify NZQA of any new material conflicts of interest of the PTE, and of any new interests of the PTE, or of its governing members, in organisations in the education or immigration sector that provide goods or services to tertiary students:
- (d) prior to a new site being used by a PTE for the provision of study or training, the PTE must:
  - (i) For a new permanent site, seek NZQA approval:
  - (ii) For a new temporary site, notify NZQA and provide relevant details:

- (e) ensure the premises and sites it uses (*including for any off-site learning*) remain safe and adequate for the study or training provided, for its staff, for the number of students enrolled, for meeting students' specific needs:
- (f) in other respects operate a safe and legally compliant environment, including (*without limitation*) the equipment it uses.

#### 6.1.2 - Public information

- (a) keep the information in its NZQA online profile up to date:
- (b) ensure the public information it provides is accurate, clear and not misleading:
- (c) when providing information on education or training linked to its status as a registered PTE, where that education or training is not approved by NZQA (*through programme accreditations, training scheme approvals, or consents to assess against standards*), ensure that the information makes it clear that the education or training is not approved by NZQA.

#### 6.1.3 - Business management

- (a) unless paragraph (b) applies or rule 7.1 applies, complete and supply to NZQA the Annual Financial Return within five months of the end of the financial year of the PTE:
- (b) PTEs funded by the Tertiary Education Commission under Subpart 1 of Part 5 of the Act are not required to submit the Annual Financial Return to NZQA:
- (c) complete and supply to NZQA the Annual Registration Fee Return by 30 June each year, the form for which is available on the NZQA website:
- (d) where the PTE is a signatory provider and does not receive any funding from the Tertiary Education Commission under Subpart 1 of Part 5 of the Act, that PTE must electronically transmit to the Ministry of Education from its student management system the student and other information required by the Ministry as set out on the Ministry's website:
- (e) not associate itself with provision of NZQA approved study or training under sub-contracted arrangements unless the arrangements comply with the sub-contracting requirements in the rules relating to programme accreditation, training scheme approval, or consent to assess against standards (*as applicable*):
- (f) keep its financial records up to date, ensure the financial records follow Generally Accepted Accounting Principles and financial reporting standards, and maintain an adequate system of internal financial controls:
- (g) ensure it remains financially sustainable and able to meet its financial commitments:
- (h) meet the needs of its relevant communities (*including whānau, hapū, iwi, or hāpori Māori*) and other key stakeholders (*including any relevant academic, employer, industry, runānga, mārae, professional and other bodies*) consistent with the description required of the PTE under rule 4.1(c):
- (i) where students are enrolled in a course of the PTE that is a programme, a training scheme, or teaching of one or more standards, and the PTE ceases providing that course before its scheduled end date, the PTE must meet all relevant and reasonable costs relating to those students associated with the cessation of the course, including (*without limitation*) costs relating to:
  - (i) any assessments of students or recognition of prior learning or credit transfer that may be required;
  - (ii) any student education or training needed due to poor or lack of teaching provision; and
  - (iii) any transfer of students to courses at other education providers.

#### 6.1.4 - Information to students

- (a) provide all relevant information to students prior to enrolment, including (*without limitation*) any entry and selection criteria, so that the student is able to make an informed choice:
- (b) inform students, including newly enrolling students, of its EER category and its statements of confidence:
- (c) inform students, including newly enrolling students, of any conditions NZQA has placed on the PTE's registration, of any compliance notice that has been issued by NZQA to the PTE that has not been complied with, and any notice of intention to cancel registration of the PTE that has been issued by NZQA to the PTE:
- (d) inform students enrolled or being enrolled at the PTE in an approved programme (*for which the PTE has accreditation*) or training scheme, or in standards for which the PTE has a consent to assess, of:
  - (i) any conditions placed on that accreditation or training scheme or consent to assess by NZQA:
  - (ii) any notice of intention issued by NZQA to withdraw the accreditation or training scheme or consent to assess:
  - (iii) any compliance notice issued by NZQA to the PTE in respect of the accreditation or training scheme or consent to assess:
- (e) inform students of the PTE's processes for receiving and responding to student complaints, and of NZQA's complaint processes for students regarding PTEs:
- (f) inform students of the student discipline and appeals processes and procedures:
- (g) inform students of regulations applying to programmes in which the students are enrolled:
- (h) ensure any student receives in a timely manner a copy any of the information set out in paragraphs (a) and (c) to (f) of this rule 6.1.4, where the student requests that information:
- (i) ensure students have ready access to their enrolment and academic information.

#### 6.1.5 – Student interests

- (a) ensure the PTE's complaints processes are easily accessible for students:
- (b) be fair and equitable in conducting its interactions with students and in implementing its student complaints, discipline, and appeals policies and procedures:
- (c) implement an approach to student well-being that encompasses, where relevant, taha whānau (*social/cultural*), taha wairua (*spiritual*), taha hinengaro (*emotional/mental*) and taha tinana (*physical*) dimensions to encourage and enable student progress:
- (d) meet the needs of students consistent with the description required of the PTE under rule 4.1(c):
- (e) provide its students with access to educational and non-educational support and guidance services to meet their individual needs and helping them towards achievement of educational success:
- (f) ensure the educational resources and equipment provided for students are of a sufficient standard to adequately meet student needs.

#### 6.1.6 - Staff

- (a) engage sufficient competent staff to meet its responsibilities to students:
- (b) ensure its teaching staff are sufficiently experienced and qualified to at least one Level above the students being taught, or have demonstrated equivalent experience, for the tuition they

are providing:

- (c) ensure that the skills and subject knowledge of teaching staff are current and relevant to the needs of learners and relevant stakeholders:
- (d) ensure that management and administration staff competently fulfil their roles:
- (e) keep its organisation chart up to date, including current staff names for each role.

#### 6.1.7 - *Quality management system*

- (a) keep its quality management system (*as required under rule 4.1(f)*) up to date:
- (b) follow and implement the content of its quality management system.

#### 6.1.8 - *Assessment and moderation*

- (a) operates a coherent system to ensure assessment and moderation requirements are met across all programmes for which it has accreditation, across all its approved training schemes, and across all of its consents to assess.

#### 6.1.9 - *Participation in self-assessment & EER*

- (a) undertakes effective on-going self-assessment and participates in EER in accordance with EER requirements:
- (b) where, as a result of an EER undertaken by NZQA, the PTE receives statements of confidence below Confident, the PTE immediately prepares an improvement plan and implements that plan.

## **Part 3**

### **Incentive for Category 1 PTEs**

#### **7. Incentive applying to Category 1 PTEs**

- 7.1 Despite rule 6.1.3(a) Category 1 PTEs need only supply the Annual Financial Return every second year.

## **Part 4**

### **Revocation**

#### **8. Revocation**

- 8.1 The Private Training Establishment Registration Rules 2018 are revoked.