

Private Training Establishment Registration 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 28 days after the date of approval of the Minister under section 253(5) of the Education Act 1989.

3. Private Training Establishment Registration Rules 2013 amended

3.1 The Private Training Establishment Registration Rules 2013 (the principal Rules), incorporating the amendments set out in Rule 3.2, are amended as shown in the edited copy of the principal Rules in the **Appendix**.

3.2 The previous amendments that are incorporated into the principal Rules in the **Appendix** are:

- (a) Private Training Establishment Registration Amendment Rules 2013:
- (b) Private Training Establishment Registration Amendment Rules 2015:
- (c) Private Training Establishment Registration Amendment Rules 2016.

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

- Enables applicants for registration of a private training establishment to request Te Hono o Te Kahurangi quality assurance for evaluation of their application:
- makes amendments consequential upon annual compliance declarations being required of all tertiary institutions under the Quality Assurance (including External Evaluation and Review (EER)) Rules 2016 and upon the change in the Education Act 1989 which resulted in the Code of Practice for the Pastoral Care of International Students 2010, made under Part 18A of the Act, being replaced by the Education (Pastoral Care of International Students) Code of Practice 2016:
- clarifies wording in Rule 5.1.9 relating to self-assessment and EER.

APPENDIX

EXPIRED

Private Training Establishment Registration Rules 2013

1. Authority

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

2. Commencement

2.1 These Rules commence on 1 January 2013.

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 250 of the Act:

Act means the Education Act 1989:

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

~~Annual Return Statutory Declaration means the NZQA SD01 Statutory Declaration form published on the NZQA website:~~

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 252 of the Act:

External evaluation and review (or "EER") means the quality assurance system set out in rules made under section 253(1)(pa) 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 159(1) of the Act, but excludes programmes to which the Industry Training Programme Approval Rules 2012 apply:

PTE means private training establishment:

Qualification means a qualification listed on the NZQF:

~~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 232D(2)(a) – (e) of the Act for applications for registration of a PTE, the following further information is required for the purposes of section 232D(2)(f):
- (a) A list of the names of the governing members (*as defined in section 232(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 232D(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 232(1)*):
 - (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) compliance with the rules made under section student complaints, student discipline and appeals, ensuring the policies and procedures are fair and equitable:
 - (viii) compliance with rules made under section 253(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.

4A. Requests for Te Hono o Te Kahurangi quality assurance

4A.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.

4A.2 An applicant making a request under Rule 4A.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.

4A.3 NZQA will evaluate a request made under Rule 4A.1, together with the information supplied, in accordance with Te Hono o Te Kahurangi quality assurance.

Part 2 - Requirements for maintaining registration

5 Requirements to be met for PTEs to maintain registration

- 5.1 To continue to maintain registration, a PTE must comply with the following requirements set out in Rules 5.1.1 to 5.1.9.

5.1.1 - 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.

5.1.2 - 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.

5.1.3 - Business management

- (a) ~~Unless paragraph (aa) applies or Rule 6.1 applies, C~~complete and supply to NZQA ~~the Annual Return Statutory Declaration and, subject to paragraph (aa),~~ the Annual Financial Return, within five months of the end of the financial year of the PTE:
 - (aa) PTEs funded by the Tertiary Education Commission under Part 13A of the Act are not required to submit the Annual Financial Return to NZQA:
 - (ab) 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:
 - (ac) Where the PTE is a signatory to the Code ~~of Practice for the Pastoral Care of International Students made~~ under Part 18A of the Act and does not receive any funding from the Tertiary Education Commission under Part 13A of the Act, that PTE must electronically transmit to the Ministry of Education from its student management system the student and other information, by the method and from the date, as set out in **Appendix 1**:
 - (b) 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*):
 - (c) 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:
 - (d) Ensure it remains financially sustainable and able to meet its financial commitments:
 - (e) 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).

5.1.4 - 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 5.1.4, where the student requests that information:
- (i) Ensure students have ready access to their enrolment and academic information.

5.1.5 – 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.

5.1.6 - 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.

5.1.7 - 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.

5.1.8 - 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.

5.1.9 - 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 ~~undertakes~~ improvement plan actions, ~~has a clear plan for compliance with any applicable sanctions,~~ and implements that plan.

6. Incentive applying to Category 1 PTEs

6.1. Despite Rule 5.1.3(a):

- (a) Category 1 PTEs need only supply the Annual Financial Return every second year:
- (b) *[revoked] Rule 6.1(b) is revoked on 20 October 2016 by Rule 11.2 of the Private Training Establishment Registration Amendment Rules 2016.*

Appendix 1

Information required to be provided under Rule 5.1.3(ac)

Personal information – all students

1. The following personal information is required to be electronically transmitted under Rule 5.1.3(ac) for all students:

Full Name of student

Birth Date

Gender

Country of citizenship

Ethnicity (*if captured*)

slwi (*where relevant*)

Immigration status (*where relevant*)

Passport country and number (*where relevant*)

Enrolment information – all students

2. The following enrolment information is required to be electronically transmitted under Rule 5.1.3(ac) for all students:

- Date student enrolled with provider
- Date student enrolment with provider ceases
- Study or training in which student is enrolled (*including components*)
- Study or training delivery start dates
- Study or training delivery end dates
- Study or training delivery site
- Fee paying status for component
- Component tuition fee
- Component teaching hours
- Component teaching weeks
- Qualification, training scheme and/or standards completion (*where relevant*)
- Qualification, training scheme and/or standards completion date

Additional student information

3. The following additional information is required to be electronically transmitted under Rule 5.1.3(ac) for students who are undertaking study or training on a visa that is not a visitor's visa:

- National Student Number
- The qualification, training scheme and/or standards to be awarded on the successful completion of the study or training
- Component completion (*Pass, Fail, Finished, Withdraw*)
- Component completion date
- Qualification, training scheme, and/or standards completion date (*where*

relevant)

- Qualification, training scheme, and/or standards completion date

PTE information

4. The following PTE information is required to be electronically transmitted under Rule 5.1.3(ac):
 - Owner of the PTE (*optional*)
 - Student Management System information
 - Information on Components offered by the PTE:
 - Component identification number and version
 - Component title
 - Component NZSCED code
 - Component level (*if relevant*)
 - Component credits (*if relevant*)
 - Indication if component is quality assured by NZQA
 - Date component first offered
 - Date component no longer offered

Method of electronic transmission

5. The method by which the information specified in clauses 1 – 4 of this Appendix must be electronically transmitted is as set out in the Ministry of Education *UIP Data Collection – SMS Specification* document available on the website of the Ministry of Education.

Date on and from which the information must be electronically transmitted

6. The date on which the information specified in clauses 1 -4 of this Appendix must be first electronically transmitted to the Ministry of Education is 31 March 2016. From that date the information must be electronically transmitted as soon as practicably possible after each new enrolment or further progression or completion has occurred, in accordance with the requirements of the Specification document referred to in clause 5. For this purpose the PTE must ensure that its Student Management System database contains up to date and accurate information for the purposes of regulations from time to time made under section 238H of the Education Act 1989 (*relating to the export education levy*), being those that require a PTE to provide enrolment and tuition fee information for specified periods of the calendar year.”