



NEW ZEALAND QUALIFICATIONS AUTHORITY  
MANA TOHU MĀTAURANGA O AOTEAROA

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# Guidelines for maintaining registration as a private training establishment

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This document provides guidance to organisations that have been granted registration as a private training establishment (PTE) by the New Zealand Qualifications Authority (NZQA).

It provides information about starting out as a PTE and the requirements for maintaining registration.

## **I. Starting out as a private training establishment**

As a new private training establishment (PTE) there are some useful things you can do after NZQA has approved your registration.

### ***Confirm your provider code***

Your provider code is usually a 4-digit number used by the Ministry of Education (MoE) to identify your organisation. It is allocated as part of the registration process.

A provider code might be referred to as an EDUMIS number, MoE school code, NZQA number, Institution number or an Organisation number.

### ***Get an Education Sector Logon with the appropriate access for your needs***

Your PTE needs to apply to the Ministry of Education for an Education Sector Logon account at the following link: <http://services.education.govt.nz/education-sector-logon/access/>.

This login will give you online access to your organisation profile. It is also where you will apply for most NZQA approvals.

You will need different levels of access for different tasks, so check you have the right access before submitting an application for approval to NZQA.

If you need help getting this logon or the right level of access, contact the Ministry of Education at [Service.desk@education.govt.nz](mailto:Service.desk@education.govt.nz)

### ***Sign up to eQuate***

NZQA's newsletter, eQuate, covers regulation changes, ongoing requirements, upcoming events and other information that may be important to know.

Subscribe to eQuate through the NZQA website.

### ***Apply for programme approval and accreditation or training scheme approval***

Develop a programme or training scheme, submit it for approval through your TEO logon and, once approved, start delivering the approved training scheme or programme.

If you have applied for training scheme approval or programme accreditation, you need to wait until the application has been approved by NZQA before promoting it and enrolling students.

Your organisation's registration lapses if you do not provide an approved programme or approved training scheme to enrolled students within one year of registration or during any twelve-month period (e.g. from 1 May 2019 to 30 April 2020).

### ***Apply for consent to assess against any unit standards you want to assess***

If you are developing a programme or training scheme that will include unit standards, seek support from the transitional industry training organisation (transitional ITO) or Standard Setting Body (SSB) that looks after the standards your application will include. Consult the Consent and Moderation Requirements (CMR) document that covers the standards and make sure your application for the consent to assess refers to how you will meet each of the general and industry criteria of the CMR.

***If you want to enrol international students, become a signatory to the Code of Practice***

If you intend to enrol international students, you will need to apply to be a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016. For more information see the NZQA website.

***Get ready for NZQA's initial validation visit***

Within six months of your first intake of students, NZQA will make a site visit to validate your registration. Your organisation will be charged the cost of this visit.

## 2. Complying with NZQA Rules

### **Section 348(1) of the Act**

It is a condition of registration that the PTE will at all times comply with the NZQA rules made under section 452 of the Act.

The NZQA rules that apply to PTEs include:

- Private Training Establishment Registration Rules 2018 ('Registration Rules')
- Annual fee rules 2015
- PTE Enrolment and Academic Records Rules 2012
- Student Fee Protection Rules 2013
- NZQF Programme Approval and Accreditation Rules 2018
- Training Scheme Rules 2012
- Consent to Assess Against Standards on the Directory of Assessment Standards Rules 2011
- NZQF Offshore Programme Delivery Rules 2012
- NZQF Qualification Listing and Operational Rules 2016
- Quality Assurance (including External Evaluation and Review (EER)) Rules 2016.

PTEs need to be familiar with the NZQA rules and ensure that they comply with them at all times.

You can find the NZQA rules on the NZQA website.

### **2.1 Lapse of registration, accreditation and approvals**

#### **Section 352(1) of the Act**

A PTE's registration will lapse if it provides no approved programme or approved training scheme to enrolled students within one year of registration, or within any 12-month period following that.

#### **Section 443 of the Act**

A PTE's accreditation to provide an approved programme will lapse if it does not provide that programme within 12 months of being granted accreditation, or after any subsequent 12-month period of non-delivery of that programme.

#### **Section 447 of the Act**

A PTE's training scheme approval will lapse if it does not provide that training scheme within 12 months of being granted approval, or after any subsequent 12-month period of non-delivery of that training scheme.

#### **Section 352(2) of the Act**

If the time for the lapse of accreditation to provide an approved programme or the lapse of training scheme approval is extended by NZQA, then the lapse of registration is when the accreditation or training scheme approval lapses.

NZQA expects PTEs to proactively plan and monitor when they deliver their approved programmes and training schemes.

### *Deliver an approved programme or training scheme to avoid lapse of registration*

To avoid a lapse of registration, your PTE needs to ensure that, within any 12-month period, you deliver at least one of your approved programmes or training schemes to enrolled students.

If you anticipate not using one of your programmes or training scheme for over 12 months, but want to use it in the future, you can apply to NZQA for an extension of the time in which to resume delivery.

Apply for this extension before the 12 months of non-usage ends. NZQA will grant or decline the extension after looking at the circumstances.

### *The Annual Return Statutory Declaration checks what you have delivered*

NZQA checks if your PTE has provided an approved programme or training scheme each year by asking you to declare it in the Annual Return Statutory Declaration.

Your PTE must declare:

- whether you have provided at least one programme or training scheme in the preceding 12 months, and
- if there are any approved programmes or training schemes that you have not provided.

### *You can tell NZQA if the approval or accreditation has lapsed or you wish to withdraw accreditation*

Your PTE can contact NZQA at any time to request the withdrawal of a programme accreditation or training scheme approval, or to advise us that a programme accreditation or training scheme approval has lapsed.

## **2.2 Legal status and ownership**

### **Rule 5.1.1(a) and (b) of the Registration Rules**

The PTE must:

- 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.

### **Section 352(3) of the Act**

A PTE's registration lapses on the date that it ceases to be a body corporate.

NZQA can grant registration to a specific body corporate, which can be:

- a limited liability company registered by the New Zealand Companies Office (identified by a company number)
- an incorporated society registered on the Register of Societies and Trusts (identified by a registered number)
- a charitable trust registered by the Charities Office (identified by a registered number).

Once your PTE is registered, you cannot transfer or sell your registration to a different body corporate.

If your PTE ceases to be a limited liability company, incorporated society or registered charitable trust, you are required to inform NZQA.

If you want to change the legal status of your PTE, please contact NZQA to discuss this before taking any action.

You need to notify NZQA immediately if the legal name of your PTE's body corporate changes but retains the same company/registered number.

### *Changing ownership*

For a limited liability company, a change of ownership is where:

- the body corporate (limited liability company) that was granted registration as a PTE remains the same; but
- there is a change to the shareholder(s) of that limited liability company.

This usually happens as a result as a sale of shares.

A PTE intending to change its ownership must apply for NZQA approval prior to the ownership change taking place. NZQA must confirm that the new owners have the capability and resources to continue operating the PTE appropriately, and that students' education will not be disrupted.

Detailed information explaining the application process is available on NZQA's website. PTEs considering a change of ownership are encouraged to seek NZQA advice as needed.

## **2.3 Paying NZQA fees**

### **Section 352(4) of the Act**

If a registered private training establishment is required under the Act to pay any fees to NZQA and fails to pay those fees after receiving two reminder notices within three months, the registration of the PTE lapses on the date that is one calendar month after the date of the second reminder notice from NZQA.

### **Section 349 of the Act**

Every registered PTE must pay NZQA an annual registration fee.

### **Rule 5.1.3(c) of the Registration Rules**

PTEs must 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.

The fees that NZQA will charge your PTE include:

- the Annual Registration Fee
- fees to evaluate your applications
- fees associated with EER and other monitoring.

For more information about fees, including a copy of the Annual Registration Fee Return, see the NZQA website.

## **2.4 Annual Return Statutory Declaration**

### **Rule 14B(1)-(2) of the Quality Assurance (including External Evaluation and Review (EER)) Rules 2016**

1. Institutions and transitional ITOs must provide to NZQA, within 5 months of the end of the financial year of the institution or ITO, an annual statutory declaration as to their compliance with the Education and Training Act 2020 and NZQA Rules.
2. In providing the declaration required by Rule 14B.1, institutions and transitional ITOs must use the compliance declaration form published on the NZQA website.

The PTE's governing body needs to ensure that it has sufficient oversight and assurance of the PTE's compliance with the Education and Training Act 2020 ('the Act') and Rules.

The governing body needs to be able to confidently attest to the organisation's compliance in the Annual Return Statutory Declaration. This declaration must be submitted to NZQA within five months of the end of the PTE's financial year.

## 2.5 *Statutory declarations as a fit and proper person and conflicts of interest*

### **Section 348(1)(c) of the Act**

It is a condition of registration that the PTE will:

- (a) ensure that existing governing members keep their Statutory declaration as a fit and proper person and of conflicts of interest up to date; and
- (b) ensure that any new governing member submits a *Statutory declaration as a fit and proper person and of conflicts of interest* to NZQA before commencing as a governing member of the PTE.

### **Section 346(1) of the Act**

The PTE must continue to ensure that:

- every governing member of the PTE is a fit and proper person.
- there are effective arrangements in place for managing any conflicts of interest that exist or may arise.
- no governing member has an unmanageable conflict of interest or interest in other organisations in the education or immigration sector that provide goods or services to tertiary students.

### **Section 10 of the Act**

This section of the Act defines governing members as being:

- (a) any director:
- (b) any member occupying a position equivalent to that of a director:
- (c) if the establishment is a trust, any trustee:
- (d) if the establishment is a partnership, any partner:
- (e) any senior manager:
- (f) any shareholder with a controlling interest in the establishment

**senior manager**, in relation to a private training establishment, means—

- (a) the chief executive officer or person occupying an equivalent position; or
- (b) any member of staff in charge of academic issues, marketing, administration, finance, student fee trust funds, or student services.

### **Section 347 of the Act**

This section of the Act sets out the matters that NZQA gives weight to when considering whether a governing member is a fit and proper person for that position.

The NZQA website has a copy of the *Statutory declaration as a fit and proper person and of conflicts of interest* form, and guidance on how to fill it out.

PTEs must have policies and processes to ensure that:

- it appoints governing members who are fit and proper persons for the role
- it checks, manages, and declares governing members' interests and conflicts of interest as set out in the Act (to both NZQA and prospective students).

NZQA expects your PTE to manage the suitability of your governing members.

If NZQA becomes concerned that one of your governing members is not a fit and proper person for the role, it will raise this with your PTE. You will have the opportunity to provide additional information or take appropriate action.

In serious cases a governing member may need to vacate their position.

In extreme circumstances (see section 350(2)(b) of the Act) NZQA may decide that a governing member is not deemed to be a fit and proper person for their role. This may be grounds for cancelling a PTE's registration.

## 3. Maintaining your PTE's policies and resources

Once registered, your PTE needs to maintain the policies and resources that support the delivery of high-quality education and continued financial viability. This includes a range of policies from administrative to how staff are supported.

The following aspects are reflected in the NZQA Rules for PTEs.

### 3.1 Statement of education

#### **Section 348(1)(b) of the Act**

It is a condition of registration that the PTE will keep up to date its written statement of the kinds of education it proposes to provide; and the outcomes it seeks to achieve through the provision of those kinds of education.

PTEs must continue to meet the needs of:

- their students
- relevant communities (including whānau, hapū, iwi, or hāpori Māori)
- other key stakeholders (including any relevant academic, employer, industry, runānga, mārae, professional and other bodies).

Over time, there may be changes to the kinds of education that your PTE offers, and the outcomes that you are looking for.

As part of your PTE's regular review process, you must keep its statement of education updated and be prepared to present it to NZQA on request at any time.

### 3.2 Public information

#### **Rule 5.1.2 of the Registration Rules**

The PTE must:

- 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

The PTE is responsible for keeping information in its online profile up-to-date, including its contact details.

You can access your online profile by logging into the TEO online services.

For information about how to register for and access the Education Sector Logon see the TEO online services for registered providers page on the NZQA website.

#### *Provide clear and accurate information*

You need to make sure that any public information your PTE provides, both electronic (e.g. websites, social media) and physical (posters, pamphlets, prospectuses), is accurate, clear and not misleading. Review it from time to time to ensure that it remains current.

### *Imply only the NZQA approvals your PTE holds*

A PTE must take care not to commit one of the misrepresentation offences listed in section 391 of the Act. These offences include falsely claiming to have approval or accreditation for a programme, approval for a training scheme, or consent to assess against standards.

PTEs are allowed to enrol domestic students on courses that are not NZQA-recognised. However, the promotional material must not imply or suggest that those courses are endorsed or approved by NZQA in any way.

### *Use both the registered and trading name of your PTE*

The Companies Act 1993 requires companies to clearly state their legal name in all documentation. NZQA expects PTEs to ensure that their registered PTE name (not just their trading name) is transparent in *all* documentation (e.g. website, brochures, manuals, offers of place, student handbook, employment agreements, certificates etc.)

## **3.3 Quality management system (QMS)**

### **Rule 5.1.7(a)-(b) of the Registration Rules**

The PTE must:

- 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.

Rule 4.1(f) of the Registration Rules specifies that a PTE's QMS must cover all aspects of its business, with a minimum of 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 452(1)(e) of the Act for student fee protection.

### *Reviewing your QMS*

NZQA expects a PTE to review its QMS on a regular (scheduled) basis and (if applicable) when the need arises outside of this timeframe.

The review should consider whether the PTE's policies and procedures:

- are up-to-date
- meet external regulations
- remain appropriate for the organisation
- are being consistently followed by all staff.

The review should be documented and any changes to the QMS recorded.

### 3.4 Reporting requirements for unfunded international providers

#### Rule 5.1.3(d) of the Registration Rules

A PTE [that is a signatory to the Code and does not receive TEC funding] 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.

The Ministry of Education website specifies the information that unfunded international providers must provide every year.

### 3.5 Complaints, discipline, and appeals

#### Rule 5.1.4(e)-(f) of the Registration Rules

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.

#### Rule 5.1.5(a)-(b) of the Registration Rules

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.

Complaints, discipline and appeals are distinct areas:

- **Complaints processes** set out how a student can raise their concerns or grievances with the PTE and how the PTE will respond.
- **Discipline processes** set out a PTE's expectation of students' behaviour, and what will happen if a student fails to meet those expectations.
- **Appeals processes** set out what a student can do if they consider that an academic decision (an assessment result or programme outcome) is not fair or reasonable.

Information about these processes should be clear, detailed, and readily available for students (e.g. in their Student Handbook).

#### *Dealing with complaints*

The PTE's complaint process should include, as a minimum:

- points of contact and escalation
- reasonable timeframes
- adequate support for students
- clear documentation of outcomes.

See the NZQA website for NZQA's expectations about how students and PTEs should work together in good faith to resolve complaints.

NZQA has a formal student complaint process which is available if a PTE's complaint process fails to resolve the student's concerns to their satisfaction.

Students must be made aware of the NZQA process. You can refer students to NZQA's website for further information: <https://www.nzqa.govt.nz/about-us/make-a-complaint/make-a-complaint-about-a-provider/>

### 3.6 Staff

#### **Rule 5.1.6(a)-(e) of the Registration Rules**

The PTE must:

- 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.

Your PTE should be able to satisfy NZQA that the number and type of your staff meets your responsibilities to students.

NZQA defines 'engaging sufficient competent staff' as meaning that a PTE uses appropriate recruitment and selection practices to make sure it has enough personnel with:

- subject knowledge and teaching expertise
- assessment and moderation expertise
- educational management expertise
- quality management expertise
- student support skills
- financial and administration expertise.

The student-teacher ratio will vary according to the kinds of education your PTE provides and the student profile.

#### *Choosing qualified staff*

Rule 5.1.6(b) refers to levels on the New Zealand Qualifications Framework (NZQF). Detailed descriptors of skills and knowledge outcomes at each NZQF level are on the NZQA website.

NZQA acknowledges that fully qualified teaching staff may not always be available. However, if you judged that teaching staff have experience equivalent to a qualification, you should carefully consider the level of the education or training the staff are delivering.

In the case of approved programmes leading to NZQF qualifications, approved training schemes and consents to assess, the skills and subject knowledge of the relevant teaching staff should not be less than that included in the initial application approved by NZQA.

#### *Have policies and a system to manage staff*

Your PTE's recruitment, performance development, and management system should ensure that the skills and subject knowledge of the teaching staff remain current and relevant.

Monitoring the effectiveness of your teaching staff should be a priority for PTE self-assessment.

The PTE's recruitment, and performance development and management system should also help to ensure the competence of management and administration staff.

The PTE's staff organisation chart should be up-to-date and available if NZQA requests it. The chart should contain the staff positions (whether employees or contracted staff) and the names of the staff currently in, or appointed to, those positions.

### **3.7 Financial matters**

#### **Rule 5.1.3(a) and (f)-(g) of the Registration Rules**

The PTE must:

- a. [Unless it is funded by the Tertiary Education Commission] complete and supply to NZQA the Annual Financial Return within five months of the end of the financial year of the PTE.
- 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.

PTEs that are funded by the Tertiary Education Commission (TEC) submit financial returns directly to TEC.

All other PTEs must submit an Annual Financial Return to NZQA within five months of the end of their financial year. Category I PTEs only have to submit an Annual Financial Return every second year.

The Annual Financial Return must be completed by an independent chartered accountant and may be an Independent Assurance Practitioner's Report (IAPR) or Auditor's Report.

More information about the Annual Financial Return is available on the NZQA website.

If NZQA has concerns about a PTE's financial sustainability, it may ask to see additional information such as a copy of the PTE's latest financial accounts.

If your PTE intends to change its financial year end, you must inform NZQA.

## 4. Student welfare and rights

### 4.1 Information to students

#### Rule 5.1.4 of the Registration Rules

#### Section 354 of the Act

#### Section 346(1)(h) of the Act

(Refer to the detail in the table below)

The Registration Rules and the Act set out the minimum information that a student is entitled to have (i) before they commit to enrolling and (ii) after they are enrolled.

The table below sets out the minimum information.

Information for students	Prospective students (pre-enrolment)	Enrolled students
<b>Registration Rules</b>		
5.1.4(a) Provide all relevant information to students prior to enrolment, including ( <i>without limitation</i> ) any entry and selection criteria, so that the student is able to make an informed choice.	Y	N
5.1.4(b) Inform students, including newly enrolling students, of its EER category and its statements of confidence.	Y	Y
5.1.4(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.	Y	Y
5.1.4(d) Inform students enrolled or being enrolled at the PTE in an approved programme ( <i>for which the PTE has accreditation</i> ) or training scheme, or in standards for which the PTE has a consent to assess, of: <ul style="list-style-type: none"> <li>(i) any conditions placed on that accreditation or training scheme or consent to assess by NZQA:</li> <li>(ii) any notice of intention issued by NZQA to withdraw the accreditation or training scheme or consent to assess:</li> <li>(iii) any compliance notice issued by NZQA to the PTE in respect of the accreditation or training scheme or consent to assess:</li> </ul>	Y	Y

<b>Information for students</b>	<b>Prospective students (pre-enrolment)</b>	<b>Enrolled students</b>
5.1.4(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.	N	Y
5.1.4(f) Inform students of the student discipline and appeals processes and procedures.	N	Y
5.1.4(g) Inform students of regulations applying to programmes in which the students are enrolled.	N	Y
<b>Education and Training Act 2020</b>		
346(1)(h)(i) Provide a written statement of the total costs and other financial commitments associated with the programme or training scheme for which the student seeks enrolment.	Y	N
346(1)(h)(ii) Provide a written statement of any material conflicts of interest of any of the governing members of the establishment.	Y	N
346(1)(h)(iii) Provide a written statement of any interests that any of the governing members have in organisations in the education or immigration sector that provide goods or services to tertiary students.	Y	N
<p>354(a) Ensure that all printed and other information made available to prospective students has full details of—</p> <p>(i) the total fees for each programme or training scheme, including fees for class or lecture materials, books, special clothing, safety equipment, tools, and any other items that are or may be provided to students enrolled for that programme or training scheme, and including any students association membership fees; and</p> <p>(ii) the class or lecture materials, books, special clothing, safety equipment, tools, and other items that are or may be required by the establishment to be bought or provided by students enrolled for each programme or scheme.</p>	Y	N
<p>354(b) Before accepting the enrolment of any prospective student, give the student a written statement of—</p> <p>(i) the total costs of the programme or training scheme and all other financial commitments associated with the programme or training scheme; and</p>	Y	N

Information for students	Prospective students (pre-enrolment)	Enrolled students
(ii) the cost of fees charged for student services provided by the establishment; and (iii) any material conflicts of interest of any of the governing members of the establishment; and (iv) any interests that any of the governing members have in organisations in the education or immigration sector that provide goods or services to tertiary students.		
<b>354(c)</b> Give every prospective student a written statement of his or her [refund] entitlements under <u>sections 357</u> and <u>529</u> , in the event that the student withdraws from a programme or training scheme.	Y	N

It is important that prospective students receive enough information to be able to make an informed decision if both the PTE and programme (or training scheme) are a good fit for them. This information may differ from PTE to PTE.

If NZQA requests it, PTEs need to be able to provide evidence that a student has received the specified information: i.e. by asking the student to sign a copy of the information and making a copy of the signed version for both the student and the PTE to retain.

PTEs that are signatories to the Code of Practice need to be aware of the additional information they need to provide to prospective and enrolled international students.

#### *The meaning of terms in the Rules*

The term 'newly enrolling' refers to a student who is considering accepting an offer of place made by the PTE.

The programme regulations referred to in Rule 5.1.4(g) of the Registration Rules are as listed in Criterion 5 of Rule 4.1 of the *NZQF Programme Approval and Accreditation Rules 2018*.

#### *Dealing with students' request for information*

PTEs must respond to student requests for information in a timely manner.

PTEs need to be aware of their record keeping obligations under the *PTE Enrolment and Academic Records Rules 2012*, as well as under the Privacy Act 1993. Students are entitled to have ready access to their enrolment and academic information.

If relevant, your PTE should provide information to students about how to access their online NZQA Record of Achievement.

## **4.2 Student support and well-being**

### **Rule 5.1.5(c)-(e) of the Registration Rules**

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.

For many students, particularly Māori students, their academic progress is interdependent with their holistic well-being, which includes social, cultural, spiritual, emotional, mental and physical dimensions.

*Examples of educational support and guidance services*

- individual academic support from specialist student advisors
- student peer mentoring systems arranged by the PTE.

*Example of non-educational support and guidance services*

- Student counselling services.

*Self-assessment of student support*

Your PTE's self-assessment should consider the key evaluation question 'How effectively are students supported and involved in their learning?'

To support the PTE's self-assessment, see the Tertiary Evaluation Indicators. These contain more detailed research-based indicators relating to student well-being. They are available on the NZQA website at <http://www.nzqa.govt.nz/providers-partners/external-evaluation-and-review/tertiary-evaluation-indicators/>.

### **4.3 Student fee protection (SFP)**

**Sections 355 and 356 of the Education and Training Act 2020**  
**Student Fee Protection Rules 2013**  
**Student Funds Trust Deposit Exemption Rules 2016**

The Act requires PTEs to have appropriate arrangements in place for protecting fees paid by students.

This requirement does not apply to fees payable for programmes and training schemes that are \$500 (GST inclusive) or less.

PTEs are required to have their proposed arrangement approved by NZQA and in place before accepting any fees from students. The Student Fee Protection Rules 2013 set out, in detail, the options that a PTE can consider for its arrangement, and other obligations (such as the requirement for annual audit of student fee protection).

You can find more information about student fee protection on the NZQA website.

#### 4.4 Refund entitlements

**Sections 357, 529 and 530 of the Education and Training Act 2020**

**Student Fee Protection Rules 2013**

**Education (Refund Requirements for International Students) Notice 2012**

**Section 354(c) of the Act**

A PTE must give every prospective student a written statement of his or her [refund] entitlements under sections 357 and 529, in the event that the student withdraws from a programme or training scheme.

If a student wishes to withdraw from a programme or training scheme, their refund entitlement depends on:

- whether they are a domestic or international student
- the length of the programme or training scheme they were enrolled in
- when the student requested a withdrawal.

There are statutory minimum refunds, but a PTE may choose to make its refund policy more generous than the minimum entitlement.

More information is available on the NZQA website.

## 5. Delivering education and training

### 5.1 Delivery sites and environment

#### **Rule 5.1.1(d)-(f) of the Registration Rules**

- 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. The PTE must 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. The PTE must operate a safe and legally compliant environment, including (without limitation) the equipment it uses.

The NZQA website provides information about how and when to apply for approval of a new permanent site and notify NZQA of a new temporary site.

Requirements are different for category 1 and 2 TEOs.

You do not need NZQA approval for changes to administration site(s): e.g. the PTE's head office. However, you should keep NZQA informed of any such changes.

#### *Permanent delivery sites*

A delivery site is considered to be permanent when a PTE has a regular and ongoing presence at the site: i.e. for five days per week all year or one day per week for half a year.

Your PTE is likely to either own the premises or have a lease or rental agreement that provides security of tenure.

#### *Temporary delivery sites*

A temporary delivery site is used on an infrequent or irregular short-term basis.

Short-term use refers to a period up to a maximum of 26 weeks.

#### *Health and safety at delivery sites*

Your PTE need to develop, implement and regularly review health and safety policies and practices to ensure that the PTE meets all of its obligations to students and staff.

PTEs must comply with the Health and Safety at Work Act 2015. For further information is see the Ministry of Business, Innovation and Employment website at <https://worksafe.govt.nz/>.

### 5.2 Assessment and moderation

#### **Rule 5.1.8(a) of the Registration Rules**

The PTE must:

- a. Operate 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.

The PTE's system for the moderation of assessment should include:

- pre-assessment moderation (to ensure the validity of its assessment tools and activities)

- post-assessment moderation (to ensure its assessment decisions are accurate and consistent).

*Meet the requirements of any relevant Consent and Moderation Requirements*

PTEs that hold consent to assess against standards must comply with the requirements set out in the Consent and Moderation Requirements for the relevant standards.

These requirements may include participating in and meeting the requirements of the national external moderation system managed by the relevant standard setting body.

### 5.3 Sub-contracting

#### **Rule 5.1.3(e) of the Registration Rules**

A PTE must:

- 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*).

Programme accreditation, training scheme approval, and consent to assess against standards are granted by NZQA to a specific tertiary education organisation (TEO).

That TEO must not allow another organisation to deliver on its behalf without first following the appropriate process as set out in the NZQA Rules.

The applicable parts of the NZQF Programme Approval and Accreditation Rules 2018 are:

<i>Programme accreditation</i>	Rule 17
<i>Training scheme approval</i>	Rule 12
<i>Consent to assess</i>	Rule 8

These Rules are available on the NZQA website.

*When do you have to apply to NZQA?*

All the applicable Rules require NZQA approval of the sub-contracting relationship if the party being sub-contracted to:

- is not registered, **or**
- does not have accreditation to deliver the approved programme, **or**
- does not have the relevant consents to assess.

Otherwise, you only need to notify NZQA.

The Rules outline the information that must be included in an application for a sub-contracting relationship. NZQA must be satisfied all criteria are met before granting approval.

## 6. Self-assessment and external evaluation and review

### **Rule 5.1.9(a) of the Registration Rules**

The PTE must:

- a. Undertake on-going self-assessment and participate in EER in accordance with EER requirements.

Self-assessment and external evaluation and review (EER) are an integral part of NZQA's evaluative quality assurance framework.

For new PTEs, an EER is scheduled after the validation visit is completed. The EER will be within the first one to two years after registration, at which time a category rating will be allocated. Until an EER has been completed, no category rating is given.

For information about category ratings see <https://www.nzqa.govt.nz/providers-partners/approval-accreditation-and-registration/provider-categories/provider-categories-eer/>.

#### *Resources for self-assessment and EER*

The key features of self-assessment and NZQA's requirements for EER are set out in the Quality Assurance (including *External Evaluation and Review (EER) Rules 2016*) available on the NZQA website at <https://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/qa-rules/external-evaluation-rules-2016/1/>.

Additional guidance and resources for self-assessment and EER resources is available from the NZQA website at <http://www.nzqa.govt.nz/providers-partners/external-evaluation-and-review/>