

Approved version 3

# 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 of part of an approved programme under section 250 of the Act;

“Act” means the Education Act 1989;

“Annual return documentation” means the Annual Return Statutory Declaration, and the Chartered Accountant” Professional Attestation, the forms for which are available 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 the External Evaluation and Review (EER) Rules 2013 (*made under section 253 of the Act*);

**Version 3** – incorporating amendments made by the Private Training Establishment Amendment Rules 2013 (commencing on 1 January 2014), and Private Training Establishment Amendment Rules 2015 (commencing on 1 March 2016).

“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.

## 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:

**Version 3** – incorporating amendments made by the Private Training Establishment Amendment Rules 2013 (commencing on 1 January 2014), and Private Training Establishment Amendment Rules 2015 (commencing on 1 March 2016).

- (i) organisational self-assessment, in accordance with the key features of self-assessment set out in the Appendix to the External Evaluation and Review (EER) Rules 2013;
- (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 the Student Fee Protection Rules 2013.

4.2 Applicants must use the application form available on NZQA's website, and pay a deposit of \$750 GST inclusive to NZQA.

## 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 body corporate owner(s), in organisations in the education or immigration sector that provide goods or services to tertiary students;
- (d) Seek NZQA approval for any new site (*whether temporary or permanent*) to be used by the PTE for provision of study or training, prior to the site being used;
- (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;

**Version 3** – incorporating amendments made by the Private Training Establishment Amendment Rules 2013 (commencing on 1 January 2014), and Private Training Establishment Amendment Rules 2015 (commencing on 1 March 2016).

- (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) Complete and supply to NZQA the annual return documentation within five months of the end of the financial year of the PTE;
- (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 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:

**Version 3** – incorporating amendments made by the Private Training Establishment Amendment Rules 2013 (commencing on 1 January 2014), and Private Training Establishment Amendment Rules 2015 (commencing on 1 March 2016).

- (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 PTEs' 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.

**Version 3** – incorporating amendments made by the Private Training Establishment Amendment Rules 2013 (commencing on 1 January 2014), and Private Training Establishment Amendment Rules 2015 (commencing on 1 March 2016).

*5.1.7 - Quality management system*

- (a) Keep its quality management system (as required under Rule 4.1(f)) up to date, and notify NZQA of any changes;
- (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 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 undertakes improvement 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 Chartered Accountant Professional Attestation every second year;
- (b) Where the end of the financial year of a PTE occurs within 4 months of a scheduled EER under the External Evaluation and Review (EER) Rules 2013, the PTE does not need to supply the Annual Return Statutory Declaration as part of its annual return documentation.

# 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*)  
Iwi (*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):

**Version 3** – incorporating amendments made by the Private Training Establishment Amendment Rules 2013 (commencing on 1 January 2014), and Private Training Establishment Amendment Rules 2015 (commencing on 1 March 2016).

- 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.”