



Guidelines for applying for registration as a private training establishment

NZQA

Mana Tohu Mātauranga o Aotearoa
New Zealand Qualifications Authority



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Introduction

This document provides guidance to organisations applying for initial registration as a private training establishment (PTE), as outlined in Subpart 5 of Part 4 of the Education and Training Act 2020 (the Act) and accordance with the [Private Training Establishment Registration Rules 2022](#).

Changes made since April 2022

In January 2023 the PTE Registration Rules 2022 were updated in line with amendments to the Education and Training Act 2020 which came into effect on 1 August 2022. As a result, this guide has been updated to

- reflect new rules titles
- rename training schemes, micro-credentials
- rename the New Zealand Qualifications Framework, the New Zealand Qualifications and Credentials Framework
- allow NZQA to visit a new site
- remove mechanisms 2 and 5 from Student Fee Protection.

Statutory requirements

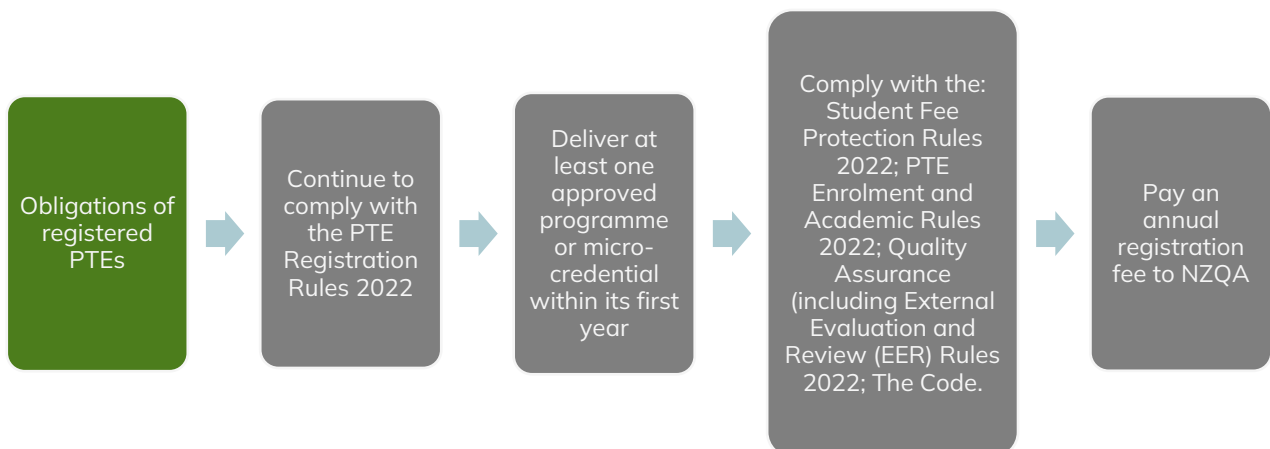
An organisation must apply for PTE registration if they want to:

- assess against standards on the Directory of Assessment and Skill Standards
- apply to NZQA for approval and/or accreditation to deliver programmes leading towards qualifications listed on the New Zealand Qualifications and Credentials Framework (NZQCF)
- apply for approval and/or accreditation to deliver micro-credentials listed on the NZQCF
- enrol international students. To enrol international students the PTE must also be approved as a signatory to The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021
- seek funding from the Tertiary Education Commission.

NZQA must be satisfied that a PTE meets the criteria set out in section 346(1) of the Act before granting an application for registration.

Obligations

Along with the benefits of registration a registered PTE has obligations that are listed in figure 1 below.



Plus

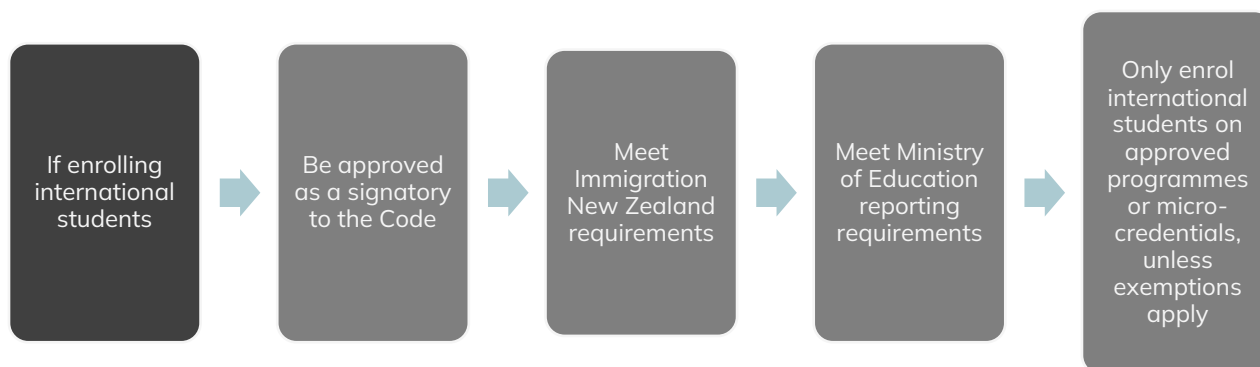


Figure 1: Obligations of registered private training establishments

Relevant NZQA Rules

[Annual Fee Rules 2022](#)

[Consent to Assess Against Standards on the Directory of Assessment and Skill Standards Rules 2022](#)

[Micro-credential Approval and Accreditation Rules 2022](#)

[Programme Approval, Recognition, and Accreditation Rules 2022](#)

[PTE Enrolment and Academic Records Rules 2022](#)

[Qualification and Micro-credential Listing and Operational Rules 2022](#)

[Quality Assurance \(including External Evaluation and Review \(EER\)\) Rules 2022](#)

[Student Fee Protection Rules 2022](#)

[Student Funds Trust Deposit Exemption Rules 2022](#)

And

[The Education \(Pastoral Care of Tertiary and International Learners\) Code of Practice 2021 \(the Code\)](#)

1. How to apply for registration

Applicants for registration as a PTE must use the application form on the NZQA website.

The PTE registration application process is outlined below:

1. Download from the NZQA website: the PTE Registration Rules 2022, these guidelines and the PTE registration application form.
2. Advise NZQA that your organisation is preparing an application for PTE registration (email: [Team Mailbox Approvals and Accreditation](#))
3. Complete the registration application form and attach supporting documentation.
4. Consider what other applications you will need to submit in the first year of registration.
5. Submit application(s) to NZQA for evaluation.
6. Pay a deposit of \$750 GST inclusive to NZQA, when invoiced.

Evaluation of applications

NZQA uses an evaluative approach in considering applications for registration as a PTE.

Each application is assessed on a case-by-case basis against the requirements of the Act and the Private Training Establishment Registration Rules 2022. All applicant types, whether commercial or charitable, are treated the same and the same fees apply.

NZQA does not provide business advice or coaching to PTE applicants.

Evaluation process

- If all required information is provided with appropriate supporting documents the application will be evaluated and may be approved without a request for further information (RFI).
- If a small number of key documents are missing, or information to support the application is incomplete, NZQA will request further information. Depending on the completeness of the response, more than one RFI may be required.
- If a large amount of the required information is not submitted, or does not meet criteria, NZQA may decide to undertake a partial evaluation, to keep costs to a minimum for the applicant. The application will not be approved, and a new application will be required.

Site visits

PTEs must ensure that all delivery sites (including all off-site learning) are safe and adequate for the education provided, its staff, the number of students enrolled, and for meeting students' specific needs.

NZQA will make a site visit to verify these delivery details. The site visit will also include talking to stakeholders identified in the application. Site visits are charged at \$190 per hour plus GST per person and usually take around six hours. The applicant must also cover NZQA travel costs. In some circumstances the site visit may be conducted virtually.

Timeframe for evaluation

NZQA sets a timeframe of four to eight months to complete the registration process.

Application costs

Applicants are charged the full cost of NZQA evaluation at the rate of \$190 per hour plus GST.

The total cost, in part, depends on the quality and comprehensiveness of information that is provided in the first instance by the applicant; it is usually in the range of 40-55 analyst hours: \$8,000-\$12,000.

Other applications during the first year as a PTE

Within 12 months of being granted registration a new PTE must deliver an approved programme or micro-credential it is accredited to provide.

To meet this requirement, a new PTE will need to apply for programme or micro-credential approval and accreditation and begin providing that programme or micro-credential within its first year of registration. An application for consent to assess against standards may also be required to deliver the programme or micro-credential.

Applicants for PTE registration should have done some of the preparation of programme or micro-credential applications and/or applications for consent to assess when they apply for registration. The evaluator will consider them as part of the PTE registration application (see section 2.3 [Statement of education the PTE proposes to provide](#)).

PTE registration must be approved before any other application approvals are granted.

The validation visit

At the time of registration many organisations will not be fully operational. So NZQA makes a validation visit to the PTE approximately six months after registration or when students are enrolled. If the PTE does not have any enrolled students six months after registration, NZQA can agree to delay the validation visit.

The purpose of the validation visit is to check that the PTE is meeting registration requirements by operating as it has 'promised' in the application. Validation includes the day-to-day operation of the PTE and may include sampling student enrolment records, checking the website and other information provided to students is correct, checking moderation system results, and other systems for quality management and self-assessment.

The visit will be undertaken by two NZQA evaluators. Validation may be conducted on site or virtually. Validation visits are charged at \$190 per hour plus GST per person and the visit takes between 2-4 hours. NZQA preparation for the visit and any follow up work is charged. The PTE must also cover any NZQA travel costs.

Lapsing PTE registration

The registration of a PTE will lapse for any of the following reasons:

- if the PTE has not delivered any approved programmes or micro-credentials for more than one year (under section 352 of the Act)
- if the PTE fails to pay required fees to NZQA after receiving two reminder notices within three months (under section 352(4) of the Act)
- if the PTE ceases to be a body corporate (under section 352(3) of the Act).

Further guidance about avoiding lapsing of PTE registration is in the guidelines for maintaining PTE registration. <https://www.nzqa.govt.nz/providers-partners/approval-accreditation-and-registration/maintaining-pte-registration/guidelines-maintaining-reg/>

2. Guidance for applicants

This section provides guidance for completing the [application form for registration](#) as a PTE.

2.1 Name and contact details

Applicants should ensure that the contact person named in the application is available to answer any requests for information or clarification from NZQA.

2.2 Applicants must be a body corporate

Section 344(1) of the Act

An applicant that is a body corporate may apply to NZQA for registration as a PTE.

A body corporate can be a limited liability company, an incorporated society or a charitable trust. It cannot be a family trust.

Applicants must provide the full name and the corporate body number of the entity applying to become a PTE.

NZQA expects that the primary focus of a PTE is education, although a PTE may be a subsidiary of a wider organisation with business interests beyond education. To keep accountabilities clear, applicants should separate the educational activities of the wider organisation into a discrete body corporate that will become the PTE. It must be clear to NZQA where the responsibility lies for PTE activities.

If the PTE is not a separate entity, NZQA may look into the activities of and people involved in the wider organisation.

Name of the PTE

The PTE's name should not be misleading, such as using a name that is very similar to the name of another institution.

The name must not contain any of the terms protected under section 390 of the Act. It is an offence to use the terms 'university', 'polytechnic', or 'institute of technology' without Ministerial consent.

Evidence of the body corporate

The following evidence must be included:

- A company registration certificate, certificate of incorporation or another document recognising the applicant's legal status as a body corporate.
- If the body corporate has been incorporated for more than one year, the most recent Annual Return to the Registrar of Companies or the Registrar of Societies must accompany the application.
- If the body is a limited liability company, the application must include details of any changes to the company's capital structure, shareholding, directors or secretary that may have taken place since the most recent return was filed.

Using a trading name

If the PTE intends to use a trading name other than the name of its legal entity, it must disclose this to NZQA at the time of registration.

The Companies Act 1993 requires companies to clearly state their legal name in all documentation.

NZQA expects that a PTE will ensure that its registered PTE name (not just its trading name) is transparent in all its documentation (e.g. website, brochures, manuals, offers of place, student handbook, employment agreements etc).

2.3 Statement of education the PTE proposes to provide

Section 344(2)(a)(i) and (ii) of the Act

The application must include a written statement setting out:

- the kinds of education the establishment proposes to provide
- the outcomes it seeks to achieve through the provision of those kinds of education.

Rule 4.1(c)

The written statement must include a description of how the PTE will meet the needs of:

- its intended students

The written statement must meet the requirements of the Rule and the Act.

Proposed kinds and outcomes of education

The kinds and outcomes of education that a PTE might provide are wide-ranging. Examples include vocational education and training, academic education, professional preparation, community volunteer training, corporate training and English language training. These examples are indicative, and PTEs are not limited to any specific type of education. Many PTEs have multiple educational focuses.

PTEs can deliver programmes at any level of the NZQCF. PTEs may enrol domestic or international students (once they become a Signatory to the Code), or both.

PTEs must deliver at least one programme or micro-credential that is approved by NZQA. PTEs may also deliver some education or training that is not approved by NZQA. Applicants must clearly identify which parts of its education and training will be programmes or micro-credentials approved by NZQA. Applicants must also be clear about which qualifications will be awarded, and the requirements that must be met to award the qualifications.

Meeting student and stakeholder needs

Once registered, a PTE must demonstrate it is meeting students' needs and taking a holistic approach to students' well-being (under Rules 6.1.3 and 6.1.5, and the Code). It will also have to demonstrate that it is meeting the needs of relevant communities and key stakeholders.

Applications should include realistic evidence about the actual needs of students, and the relevant community and key stakeholders, this may include market research about student and community needs, but other types of research and community consultation are equally valid.

NZQA expects to see that applicants have undertaken significant engagement with Māori on Māori needs and aspirations, especially where a high proportion of the intended students are, or will be, Māori.

Evidence to include in the application

The following evidence must be included:

- a written statement of the kinds of education the PTE proposes to provide and the outcomes it seeks to achieve

- a profile of the PTE's intended students, relevant communities and key stakeholders
- a description of how the PTE will meet the needs of students, relevant communities and key stakeholders through the education and training it will provide
- the process used to identify needs, including who the PTE has consulted with, and how they consulted them
- how the PTE will continue to seek advice and input from stakeholders over time (for example, through establishing programme advisory groups and through its self-review of learner safety and wellbeing practices under Outcome 1 of the Code).

A business plan for implementing the kinds of education the PTE proposes to provide. This must include a list of the programmes and/or micro-credentials it intends to deliver and how it intends to:

- develop the academic programmes or micro-credentials it will provide (with timeframes)
- meet Rule 6.1.8 Assessment and moderation, which requires the PTE to operate a coherent assessment and moderation system
- resource the programmes/micro-credentials and commence delivery through adequate staff, equipment and premises, and acceptable financial management practices and performance.

2.4 Names of governing members

Rule 4.1(a)

Applicants must provide a list of the names of the governing members of the PTE.

Section 10 of the Act

The definition of a governing member is

- any director
- any member occupying a position equivalent to that of a director
- if the establishment is a trust, any trustee
- if the establishment is a partnership, any partner
- any senior manager, defined as either the chief executive officer or person occupying an equivalent position; or any member of staff in charge of academic issues, marketing, administration, finance, student fee trust funds or student services
- any shareholder with a controlling interest in the establishment.

Each application must include documentation verifying the identity of all governing members.

'Controlling interest' means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a PTE whether through the means of ownership, position, contract or otherwise. The holder of a 25% or more ownership in a PTE is automatically determined to have a controlling interest in the PTE.

Evidence to include in the application

The following evidence must be included:

- An organisational chart for the PTE showing position held and with each governing member's name (including 'also known as' names) and contact details.
- For each person listed as a governing member, a verified copy of their passport or birth certificate.

If the documents are not in English or Te Reo Māori, the applicant must provide a verified translation.

2.5 Each governing member is a fit and proper person

Section 344(2)(d) of the Act

The application must contain a statutory declaration from each governing member in respect of the matters described in section 347 (1) (a) to (g), which include a declaration the member is a fit and proper person for that position

Section 346(1)(a)-(g), and section 347(1)(a)-(h) of the Act

NZQA must be satisfied that every governing member is a fit and proper person for that position, according to the criteria set out in section 347, which are:

- a. the person's experience in the provision of education services (for example, any previous involvement in a registered private training establishment)
- b. whether the person was a governing member of a registered private training establishment that was closed, sold due to insolvency, or taken over
- c. whether the person has been convicted of any offence involving fraud, violence, or dishonesty, or any offence under this Act or section 352 of the Immigration Act 2009
- d. whether the person is a defendant in proceedings in respect of an offence described in paragraph (c)
- e. whether the person was adjudicated bankrupt under the Insolvency Act 2006
- f. whether the person is prohibited from being a director or promoter of, or from being concerned or taking part in the management of, a company under the Companies Act 1993 or any other body corporate
- g. whether the person has failed to disclose any material conflict of interest as required under section 344(2)(c)(i); and
- h. any other matter that NZQA considers relevant.

Section 347(2) of the Act

If the applicant has had direct involvement in the provision of education services that have failed, the Authority must give the applicant an opportunity to explain why the risk of this occurring again is unlikely.

Evidence to include in the application

The following evidence must be included:

For each proposed governing member of a proposed PTE, the application must include:

- a complete statutory declaration that provides information NZQA can use to assess if a proposed governing member is a fit and proper person as well as a complete conflicts of interest statutory declaration. Use the Statutory declaration as a fit and proper person and of conflicts of interests form available on the NZQA website
- a position description
- a curriculum vitae describing the person's experience in the provision of education

- services, and
- where relevant, an explanation of why the risk of reoccurrence of PTE failure is unlikely.

2.6 Governing member conflicts of interests

Section 344(2)(c) of the Act

For each governing member, the applicant must supply a statutory declaration of:

- any material conflicts of interest arising from the members' role as a governing member
- any interests the member has in organisations in the education or immigration sectors that provide goods or services to tertiary students.

Section 344(2)(e)-(f) of the Act

The application must describe the arrangements that the PTE has in place to manage conflicts of interest that may arise; and be in a form and contain any other information that NZQA requires.

Section 346(1)(b)-(d) of the Act

NZQA must be satisfied that

- the applicant must have in place effective arrangements for managing any conflicts of interest that exist or may arise
- no governing member has a material conflict of interest that NZQA considers is or is likely to be unmanageable
- no governing member has an interest of a kind described in 344(2)(c)(ii) (any interests the member has in organisations in the education or immigration sectors that provide goods or services to tertiary students) that NZQA considers is, or is likely to be, unmanageable.

Rule 4.1(b)

The applicant must supply 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.

Governing members must disclose any conflicts of interest

If an applicant fails to disclose any conflicts of interest, or provides misleading information, this could be a ground for not approving a PTE Registration application under 346(4) of the Act.

A 'material' conflict of interest is an interest which, in view of the circumstances, could reasonably be expected to affect independence or impartiality of a governing person.

Examples of situations where interests must be disclosed include, but are not limited to:

- The governing member has loaned money to the PTE.
- A close relative of the governing member has entered into a significant contract with the PTE.
- A company owned by the governing member is the PTE's landlord.
- The governing member is a shareholder or director in an immigration consultancy that

offers immigration services to prospective students of the PTE.

- The governing member is a shareholder or director in an organisation that provides any goods or services to students of the PTE. This includes - organisations that provide financial services to students for the purpose of enrolling in education with the PTE / organisations that provide loans to students.

NZQA will evaluate each declaration on a case-by-case basis, taking into account the nature of the conflict of interest and the arrangements that an applicant intends to put in place to manage it.

NZQA must be satisfied of the effectiveness of the PTE's arrangements to manage conflicts of interest.

NZQA advises governing members to take a conservative approach and if in doubt make a disclosure.

Disclosing interests in the education or immigration sector

Governing members must also disclose any interest they have in organisations in the education or immigration sector that provide goods or services to tertiary students. For example, a governing member might own accommodation that is rented by students, or a business that sells specialist equipment to students.

The reason for disclosure in such situations is the higher likelihood of a conflict of interest between the governing member or the PTE, and the interests of students.

Evidence to include in the application

The following evidence must be included.

For each proposed governing member of a proposed PTE, the application must include a completed statutory declaration from each governing member.

This must:

- provide information NZQA can use to assess if a proposed governing member is a fit and proper person
- disclose any material conflicts of interest and any interests in organisations in the education or immigration sector that provide goods or services to tertiary students
- detail any arrangements to manage any conflicts of interest.

2.7 Adequate staff, equipment, and premises

Section 346(1)(e) of the Act

NZQA must be satisfied that the PTE has, or will have at the relevant time, adequate staff, equipment and premises to provide its programmes or micro-credentials.

Rule 4.1(d),(e)

In addition to the requirements under section 346 of the Act, the following further information is required:

- 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:
- Copies of the curriculum vitae and position descriptions of senior managers, who are defined, in section 10 of the Act, as the *chief executive officer or person occupying an equivalent position; and members of staff in charge of academic issues, marketing,*

administration, finance, student fee trust funds, or student services.

NZQA recognises that an applicant for registration may not yet have secured all staff, equipment and premises.

NZQA must be satisfied that the PTE will have at the time delivery commences:

- adequate staff with the necessary knowledge, skills and experience covering relevant education and training expertise, academic subjects, educational delivery, assessment and moderation, student support and pastoral care, educational administration (including financial expertise), and educational management and governance
- adequate equipment, including any necessary information technology resources, educational resources and workshop tools to safely deliver its programmes or micro-credentials
- adequate premises, including off-site locations, to provide its programmes or micro-credentials
- adequate policies and processes for providing staff with ongoing training and resources, relevant to their roles, including as required by the Code (Outcome 1, Process 4, clause 10 (2)).

Health and safety practices

Health and safety practices should provide NZQA with assurance that equipment used by students and teachers at all teaching sites will be safe to use and used safely.

As a minimum, PTEs will need to meet obligations under the Health and Safety at Work Act 2015 and the Code.

Different types of delivery sites

NZQA differentiates between permanent and temporary sites/premises which are defined as follows:

Permanent delivery site

A delivery site is permanent when a TEO has a regular and ongoing presence at the site.

Temporary delivery site

A temporary delivery site refers to a site which a TEO intends to use on an infrequent or irregular short-term basis. Short-term use refers to a period up to a maximum of 26 weeks.

Evidence to include in the application

The following evidence must be included:

- The organisation chart of staff positions
- The curriculum vitae and position descriptions of senior managers
- Lists of resources and equipment needed to adequately and appropriately provide the PTE's micro-credentials or programmes.
- Where the resources are not already in place, an acquisition plan with a budget.
- Details of all permanent sites/premises which will be used for delivery, including:
 - location
 - a site or building map, or a description, that indicates the size of each classroom/workshop learning venue and numbers of students each would accommodate
 - a description of the facilities, including staff and student facilities, such as the

- number and gender of toilets, student common room and kitchen, offices and staff space available, and including facilities for secure storage of student records
- accessibility and catering to the needs of disabled learners
- evidence that the new site will comply with the statutory requirements relating to its use. This evidence must include relevant policies and procedures, a health and safety check of the site, confirmation from the relevant authority that the zoning is appropriate for an educational organisation, and, if applicable, the Building Warrant of Fitness
- evidence that the PTE has or will have a right to occupy or use the premises or other teaching and administration sites before instruction commences i.e. a copy of the lease or tenure agreement OR a copy of the ownership papers
- The location of any temporary sites/premises that will be used for delivery.

NZQA visits all new PTE sites prior to registration (see section 1. Site Visits).

2.8 Acceptable financial management practices and performance

Section 346(1)(f)(i)-(ii) of the Act

NZQA must be satisfied that the PTE:

- in the case of an establishment that is already operational, has acceptable financial management practices and performance (for example, is able to pay its staff, taxes, and creditors); and
- in the case of an establishment that is not yet operational, is likely to have acceptable financial management practices and performance (for example, is likely to be able to pay its staff, taxes, and creditors).

NZQA needs to be satisfied the applicant has a sound financial basis and is likely to be financially stable. The evidence of its financial basis must reflect the business plan required in the application.

NZQA will analyse the applicant's financial structure and resources to determine its ongoing financial viability.

NZQA will look to see whether the applicant:

- has the capacity to meet ongoing business development and quality assurance costs
- has any arrangements, including shareholder arrangements, which may adversely affect its ongoing viability.

The applicant's debt/equity ratio must provide an adequate level of confidence in its ongoing financial sustainability.

Its annual budget should be in alignment with its available resources, including staff input, and support the proposed education provision and administration.

There should be evidence that either the PTE will generate sufficient income through its education activities to meet its financial commitments and ensure its financial viability, or it will be able to call on other sources of funding that are in line with its proposed type of education and outcomes.

Evidence to include in the application

The following evidence must be included:

- A three-year financial forecast, with clear explanations of the basis for the figures in

the forecast. Forecasts should be forwarded in electronic format (spreadsheet).

- Where applicable, a statement from a funding body.

If already operational, the applicant must also supply its most recent Annual Report and a full set of financial statements including, as appropriate, its

- annual operating budget
- statement of financial position
- financial performance and cash-flows
- forecasts for both the existing organisation and the new organisation that incorporates the PTE.

2.9 Information for prospective students

Section 346(1)(h)(i)-(iii) of the Act

NZQA must be satisfied that before accepting the enrolment of any prospective student, the PTE provides or will provide that student with a written statement of:

- the total costs and other financial commitments associated with the programme or micro-credential for which the student seeks enrolment
- any material conflicts of interest of any of the governing members of the establishment
- any interests a governing member has in organisations in the education or immigration sector that provide goods and services to tertiary students.

Section 354(a)-(c) of the Act

Every PTE must ensure that all printed and other information made available to prospective students has full details of:

- the total fees for each programme or micro-credential, including fees for class or lecture materials, any NZQA external examination fees, books, special clothing, safety equipment, tools, and any other items that are or may be provided to students enrolled for that programme or micro-credential, and including any student association membership fees
- the class or lecture materials, books, any external examination timetables, special clothing, safety equipment, tools, and other items that are or may be required by the PTE to be bought or provided by students enrolled for each programme or micro-credential.

Every PTE must, before accepting the enrolment of any prospective student, give the student a written statement of:

- the total costs and other financial commitments associated with the programme or micro-credential
- the cost of fees for student services provided by the PTE
- any material conflicts of interest of any of the governing members of the PTE and any interests the member has in organisations in the education or immigration sector that provide goods or services to tertiary students

Every PTE must give prospective students a written statement of his or her entitlements

under sections 357 (domestic students) and 529 of the Act (international students), in the event that the student withdraws from a programme or micro-credential.

[Section 354](#) of the Act lists items of information that must be made available to prospective students. It is the PTE's responsibility to ensure that all prospective students have easy and ready access to information that is complete and clearly written. It is not sufficient, for example, for the information to be available only on request.

Prospective students need to have access to clear information on the costs of study to enable them to make an informed choice. They must also be informed about any conflicts of interest of governing members.

Entitlements to fee refunds are different for domestic and international students (see below).

Applicants should note that once they commence operation, Rule 6.1.4 under maintaining registration will require the PTE to provide students with:

- enrolment information, including entry and selection criteria
- any NZQA compliance notices or conditions.

Evidence to include in the application

The following evidence must be included:

The PTE's written statement to prospective students, such as an offer of enrolment or an enrolment contract, that shows:

- detailed costs and financial commitments for prospective students, as specified in sections 346(1)(h) and 354 of the Act (as above)
- entry and selection criteria for relevant programmes
- where applicable, material conflicts of interest of governing members and the PTE's interests in other organisations providing goods and services to tertiary students
- fee refund entitlements if students withdraw from the programme or micro-credential.

2.10 Quality management system

Rule 4.1(f)(i)-(viii)

The applicant must supply 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:

- organisational self-assessment, for the purposes of EER
- decision-making, financial delegations, and financial controls
- personnel recruitment and management
- 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
- enrolment procedures
- management of risks
- student complaints, student discipline and appeals, ensuring the policies and

procedures are fair and equitable

- compliance with the Student Fee Protection Rules 2022.

NZQA needs to be satisfied that the applicant has a comprehensive and appropriate quality management system that shows how the PTE will operate. Its design should be appropriate to the size, nature and complexity of the PTE.

The quality management system should also set out how the policies and procedures are developed, documented, approved, implemented, and reviewed to ensure they remain current. Please note the Code requirements to involve learners and other key stakeholders in the development and review of learner wellbeing and safety practices.

Policies and procedures can be supported by attachments, such as forms, templates, flowcharts and training manuals.

A QMS is your PTE's operating model and must be a robust, living document, used and useful for all staff. The QMS, when successfully followed, ensures the overall quality of the PTE and provides consistent, desired outcomes. It will:

- provide value for the organisation and its stakeholders
- record and maintain continuity of institutional knowledge
- effectively train and develop staff
- monitor performance through internal reviews and other quality assurance processes
- regularly review policies and procedures
- prevent, rather than correct, poor-quality outcomes.
- support strategic objectives
- have confidence that the processes are being carried out as planned.

Evidence to include in the application

The following policies and procedures must be included as evidence:

- self-assessment (including for self-review as required by the Code) and participation in external evaluation and review by NZQA, in accordance with the Quality Assurance (including External Evaluation and Review (EER)) Rules 2022
- developing education programmes/micro-credentials, including consultation with stakeholders and meeting NZQA's programme approval and accreditation requirements
- developing strategic goals and strategic plans for supporting learner wellbeing and safety, to meet the requirements of the Code, contribute to honouring Te Tiriti o Waitangi, and support Māori-Crown relations, including working proactively with learners and stakeholders to develop and review the goals and plans
- key business decisions
- financial delegations, including which staff positions in the PTE can make which types of financial decisions
- financial controls, such as internal financial audit and audit by a chartered accountant to meet the requirements of the Companies Office
- personnel recruitment and on-going personnel management. These must ensure the PTE will have and maintain adequate staff with the necessary knowledge, skills and experience covering:
 - relevant education and training expertise
 - academic subjects

- educational delivery
- assessment and moderation
- student support, including training required by the Code
- educational administration including financial expertise
- education management and governance
- enrolment and academic records, in accordance with the PTE Enrolment and Academic Records Rules 2022, including information on how it will record assessment results and, where applicable, report these to students' New Zealand Record of Achievement.
- electronic student management system (SMS), which must be compatible with TEC and Ministry of Education reporting, as required (see TEC and MOE websites).

Enrolment process

Include policies and procedures for managing student admission and all possible types of enrolment that cover the following steps (as applicable):

1. The PTE provides prospective students with the information detailed in section 354 of the Act and Rule 6.1.4 of the Registration Rules.
2. The student applies to the PTE for admission and enrolment (separately or together) or arranges to apply through another party (e.g. an employer).
3. The PTE verifies the student's identity, and whether they are a domestic or international student.
4. The PTE confirms the student's eligibility to study, including that they meet the relevant programme entry criteria (admission).
5. The PTE offers to enrol the student.
6. The student accepts the offer (enrolment contract).
7. The PTE records the enrolment.
8. The PTE invoices the student, or the appropriate party, for tuition fees.
9. The student or appropriate party pays tuition fees or arranges for them to be paid, preferably directly into the PTE's student fee protection trust account.
10. The PTE records and issues a receipt for payment of fees.
11. The PTE ensures that any subsequent changes to enrolment, including date changes, withdrawal and refunds, are recorded and signed by both parties.

Enrolment and academic records

Include policies and procedures for student records in accordance with the PTE Enrolment and Academic Records Rules 2022:

- accurate enrolment records for each student must be kept in accordance with rule 4.1. The records listed in rule 4.1 for each student must be kept until at least two years after the completion of the education or training in which the student is enrolled
- accurate academic records must be kept for students enrolled in education or training at the PTE in accordance with rule 6.1. The records listed in rule 6.1 a, b & d for each student are to be kept as a permanent record.
- student assessment materials generated from education or training in which students are

enrolled, or full copies of them, must be kept for at least 12 months from the date of completion of that education or training.

Management of risk

Include policies and procedures to identify and manage risks to the PTE's educational and business activities.

Options for mitigating the likelihood and consequences of risks must be identified and should cover:

- academic quality
- location
- recordkeeping
- compliance with relevant legislation, including the Code
- the health, safety, and wellbeing of people at its premises, especially its students.

Student complaints, student discipline and appeals

Include policies and procedures that identify the steps that staff must take when a student makes a complaint, and how the PTE will manage student discipline and appeals.

This should cover possible responses to a complaint, such as an investigation, reasonable timeframes, adherence to principals of natural justice and a process to inform the student of the outcome of the complaint.

The PTE must also have policies and procedures that cover student discipline, including:

- student conduct
- student rights
- checking the authenticity of student work
- investigating and dealing with plagiarism
- the processes students can follow when they appeal disciplinary decisions.

Student fee protection

Include policies and procedures that meet the requirements of sections 357(1)(c), 529 and 530 of the Act, and the Student Fee Protection Rules 2022.

The PTE's student fee protection policies and procedures must cover, as a minimum:

- student withdrawal before, during, and after the relevant refund period
- closure of the PTE or its programmes or micro-credentials
- international students whose visa is declined
- the fee protection mechanisms used by the PTE and any exemptions from fee protection that apply to the PTE.

For further information about student fee protection see 2.12 below.

2.11 The Code of Practice

The Code supports the wellbeing and safety of tertiary and international learners enrolled with New Zealand education providers. It sets out the expectations that education providers must meet for the wellbeing and safety of their learners.

NZQA is the Code administrator, responsible for monitoring and supporting providers to give effect to the Code.

International learners

Sections 531A(1)(b) or (c) and 535A(3)(a) of the Act

If the PTE intends to enrol international students, it must become a signatory to the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 (the Code)

<https://www.nzqa.govt.nz/providers-partners/tertiary-and-international-learners-code/become-a-signatory/>

All providers that enrol international students, including PTEs, must pay the Export Education Levy (the Levy).

Information about the Levy is on the Ministry of Education website.

Domestic tertiary learners

Section 534 of the Act

The purpose of the Code is to support the Government's objectives for the education of domestic tertiary students by

- requiring providers to take all reasonable steps to maintain the well-being of domestic tertiary students; and
- ensuring, so far as is possible, that domestic tertiary students have a positive experience that supports their educational achievement.

The PTE's policies and procedures must cover the organisational practices that will meet the Outcomes of the Code:

Outcome 1: A learner wellbeing and safety system

Process 1: Strategic goals and strategic plans

Process 2: Self-review of learner wellbeing and safety practices

Process 3: Publication requirements

Process 4: Responsive wellbeing and safety systems

Outcome 2: Learner voice

Process 1: Learner voice

Process 2: Learner complaints

Process 3: Compliance with the Dispute Resolution Scheme

Outcome 3: Safe, inclusive, supportive and accessible physical and digital learning environments

Process 1: Safe and inclusive communities

Process 2: Supporting learner participation and engagement

Process 3: Physical and digital spaces and facilities

Outcome 4: Learners are safe and well

Process 1: Information for learners about assistance to meet their basic needs

Process 2: Promoting physical and mental health awareness

Process 3: Proactive monitoring and responsive wellbeing and safety practices

If the PTE is intending to have student accommodation, the policies and procedures must also cover the organisational practices that will meet Outcomes 5-7 of the Code.

Evidence to include in the application for Outcomes 1-4

In general, NZQA expects that a prospective PTE will have, as far as possible, put the basic requirements in place for Outcomes 1-4. These basic requirements are set out in the implementation Guidance for Tertiary Providers on the NZQA website, under Outcomes 1-4, in the section entitled 'Getting Started'.

<https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/NZQA-Code-2021-Implementation-Guidance-November-2021.pdf>

A table is provided in the Application Form for applicants to refer to a section of the QMS, Business Plan, Strategic Plan, Student information, Enrolment information or other supporting document in the application.

Evidence to include in the application for Outcomes 5-7

A completed gap analysis.

This optional tool sets out the areas of practice you need to review to check your compliance with the Code. See <https://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/Tertiary-and-International-Learners-Code-2021/Code-implementation-tools/Gap-Analysis-Toolkit.docx>

In general, NZQA expects that a prospective PTE will have met the requirements set out in Outcomes 5-7, as far as possible, prior to registration. Please see the Guidance for Tertiary Providers, Outcomes 5-7, for more information about what is required.

2.12 Student fee protection

Sections 357 and 529 of the Act

To be registered, a PTE must meet NZQA's Student Fee Protection Rules 2022.

Applicants must be familiar with NZQA's [Student Fee Protection Rules 2022](#).

These Rules and the Act protect the interests of domestic and international students, especially if a PTE closes or stops offering a programme or micro-credential students have enrolled in.

Student fee protection coverage

Student fee protection covers all payments made to a PTE by, or on behalf of, a student, including fees that a student has paid to an agent of the PTE.

This includes payments made for:

- tuition fees (including commissions and course-related costs)
- accommodation
- travel and health insurance
- living expenses

- any other financial commitments associated with the student's course.

Exemption from Student Fee Protection

The Student Funds Trust Deposit Exemption Rules 2022 exempt courses (i.e. programmes and micro-credentials) where the total student fee is \$500 or less (including GST) from the requirement to deposit student fees with an independent trustee.

<https://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/pte-related-rules/student-funds-deposit-exemption-rules/>

Note that if you meet the exemption criteria, you must notify us of your status by completing the SFP Exemption Notification form.

No student fee charged

Student fee protection is not needed if a student or a group of students' fees are free, fully funded by the government, or fully funded through business-to-business contractual arrangements. If either of these situations apply, a PTE can request a letter from NZQA confirming this arrangement.

If the PTE's circumstances subsequently change so that it requires a student fee protection mechanism, the PTE must immediately inform NZQA and ensure that an approved student fee protection mechanism is in place prior to the receipt of fees.

Refund of fees

The Student Fee Protection Rules 2022 and the Act stipulate a statutory refund period. During this period a student can withdraw from a programme or micro-credential and be refunded a proportion of their fees. The statutory refund period varies depending on the length of the programme or micro-credential, and whether the student is international or domestic.

The Student Fee Protection Rules 2022 also require PTEs to treat any students who have not, or stop, participating in their studies or training during the refund period as if they had withdrawn (unless the student resumes participating in their studies after the refund period).

Even after the statutory refund period, a pro-rata portion of student fees is protected in the event of a 'course closure'. A 'course closure' occurs if the PTE closes or stops delivering a programme.

Fee protection arrangements

The initial refund period can be covered by either a standard trust or static trust account.

After this period, PTEs can use several options. These options are detailed in Appendix B of the Student Fee Protection Rules 2022 and include:

- Mechanism 1 – Standard or Static trust account
- Mechanism 2 – Bank bonds
- Mechanism 3 – Deferred payment

[Appendix B: Student Fee Protection Mechanism Options for Providers and Agents, and detailed criteria](#)

Student Fee Protection arrangements must be approved by NZQA before they can be used.

PTEs may use the option most suitable for their circumstances, provided NZQA gives prior approval.

PTEs may use only an approved student fee protection supplier. The Student Fee Protection Rules

define who may be appointed as a trustee of the Student Fee Protection account.

Note: in 2022 SFP options for insurance (student-based insurance), and company or parent body guarantees, were removed.

Information provided to students

Providers must, inform Students about:

- a) the applicable Mechanism(s); and
- b) if and when the Mechanism is triggered:
 - i. the process for the Student's entitlement to any payment for the relevant Refund Period or any Pro Rata Refund;
 - ii. who the Student should contact;
 - iii. a list of any documents Students will require; and
 - iv. instructions to attend any meetings arranged for Students.

Approval by NZQA

The fee protection arrangements must be accepted in writing by NZQA. NZQA will review the proposed arrangement and confirm whether it has been approved.

The approved arrangements must be in place before the PTE accepts any fees from students.

<https://www2.nzqa.govt.nz/assets/About-us/protecting-learners/Approval-for-SFP-Mechanism-form-.docx>

Evidence to include in the application

The following evidence must be included:

- Details of the student fee protection mechanisms that the applicant has selected including student fee protection notification form
- Confirmation from any student fee protection trustee that they will accept the appointment as a trustee if PTE registration is granted by NZQA.

3. Guidance for other applications

Applicants for PTE registration should have done some of the preparation of programme or micro-credential applications and/or applications for consent to assess when they apply for registration.

Those applications will not be fully evaluated until the PTE registration has been approved.

Application(s) for at least one approved programme or micro-credential

Section 352 of the Act

A registered PTE must deliver at least one approved programme that it is accredited to provide, or one approved micro-credential. It must continue to do so with no gap of more than a year, or its registration will lapse

Section 527(1)-(2) of the Act

A PTE must not enrol an international student in a programme, or a micro-credential (unless the micro-credential is less than 3 months and exempt), unless it is approved by NZQA.

The criteria for training scheme (now micro-credential) exemptions are outlined in the [New Zealand Gazette Notice No. 2012-au7255](#) available at gazette.govt.nz.

Section 391 of the Act

All tertiary education providers must hold the appropriate accreditation to deliver an approved programme and award qualifications listed on the NZQF.

Section 421 of the Act

Every tertiary education funding mechanism must meet the quality assurance requirements under the Act. Therefore, programme approval and accreditation or micro-credential approval, depending on what is appropriate, are a condition of funding by the Tertiary Education Commission.

Information and links about PTE funding and performance are on the TEC website.

Registered PTEs can apply for programme or micro-credential approval and/or accreditation online. For more information see:

[Programme approval and provider accreditation](#)

[Micro-credential listing, approval and accreditation](#)

Application(s) for consent to assess

Section 449 of the Act

An institution that proposes to assess its students against standards listed in the Directory of Assessment and Skill Standards must apply to NZQA for consent to assess against those standards.

Applying for consent to assess requires education providers to demonstrate that they can:

- design study or training, particularly related to the standards in the application
- develop or access assessment resources
- meet the consent and moderation requirements for the particular standards, which include undertaking internal moderation and engaging in the national external moderation system of the relevant standard setting body
- carry out self-assessment and participate in external evaluation and review
- report assessment results to NZQA
- pay the credit reporting fees due, by the end of the month following the month of the invoice from NZQA.

PTEs must accurately report credits for students within three months of assessment, unless NZQA has approved a different reporting timeframe for the holder of the consent.

For externally assessed achievement standards, PTEs must meet the requirements of the Assessment Rules and Procedures for Tertiary Education Organisations in relation to assessment against externally assessed achievement standards (see the NZQA website).

Detailed information about applying for consent to assess and guidelines are available on the consent to assess pages on the NZQA website.

Requirements in the associated Consent and Moderation Requirements (CMR)

The PTE must also check the CMR document covering the standards it is applying for. The CMR sets out specific requirements for involvement of the standard setting body, and details of the national external moderation system.

For more information see:

[Consent to assess](#)

[Consent and moderation requirements](#)