

BOTSWANA QUALIFICATIONS AUTHORITY ACT
(Act No. 24 of 2013)

BOTSWANA QUALIFICATIONS AUTHORITY (REGISTRATION AND
ACCREDITATION OF EDUCATION AND TRAINING PROVIDERS)
REGULATIONS, 2016
(Published , 2016)

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Education and Skills Development by section 31 of the Botswana Qualifications Authority Act, 2013, the following Regulations are hereby made -

Citation

1. These Regulations may be cited as the Botswana Qualifications Authority (Registration and Accreditation of Education and Training Providers) Regulations, 2016.

Interpretation

2. In these Regulations, unless the context otherwise requires –

“learning programmes” means quality assured, structured learning programmes that lead to a qualification;

“awarding body” means an organisation recognised by the Authority, which awards accredited qualification;

“Fees Regulations” means the Botswana Qualifications Authority (Fees) Regulations;

“Register” means a register maintained for under regulation 6;

“registration” means the process by which the Authority ascertains that the education and training provider has the requisite human and material resources, systemic structures, policies and processes to operate as an education and training provider; and

“registration and accreditation of an education and training provider” means a process that an education and training provider shall undertake with the Authority, as a prerequisite for accreditation to ascertain the education and training provider’s capacity to provide for a defined scope of education and training, in accordance with the Act.

Application for registration and accreditation

3. (1) A person wishing to operate as an education and training provider shall apply to the Authority for registration and accreditation.
- (2) The application made under subregulation (1) shall be in Form A as set out in the Schedule and shall be accompanied by a non-refundable fee set out in the Fees Regulations.
- (3) The application shall be in accordance with the quality assurance criteria for registration and accreditation of education and training providers determined by the Authority.
- (4) The Authority may, in writing, require an applicant to provide further information which the Authority considers relevant to the application.
- (5) Where the applicant is required to provide further information in terms of subregulation (4), such information shall be submitted within 21 working days from the date of notification.
- (6) Where the applicant fails to submit the required information as stipulated in subregulation (4), the Authority shall reject the application.
- (7) Where the Authority is satisfied that an applicant satisfies the provisions of this regulation, it shall register and accredit the applicant as an education and training provider.

(8) An education and training provider shall, within 12 months of its registration and accreditation, apply for learning programme accreditation with the Authority, failing which the registration and accreditation shall be revoked.

Registration and accreditation of education and training providers

4.(1) When the Authority registers and accredits an education and training provider, it shall, within 30 working days –

- (a) record such registration and accreditation in the Register; and
- (b) issue to the applicant, a Certificate of Registration and Accreditation in Form C as set out in the Schedule.

(2) An education and training provider shall display the Certificate of Registration and Accreditation within its premises, where it will be visible to the public.

Registration and accreditation of awarding bodies

5. (1) The Authority shall develop and implement a criterion for registration and accreditation of awarding bodies.

(2) An awarding body whose learning programmes are offered by an independent education and training provider shall apply for registration and accreditation by the Authority in a manner specified by the Authority.

(3) An awarding body referred to under subregulation (2) may enter into a written agreement with the education and training provider as approved by the Authority.

Register of education and training providers

6. (1) The Authority shall maintain a register of all registered and accredited education and training providers.

(2) The register maintained in terms of subregulation (1) shall be kept at the offices of the Authority and shall be open for inspection to any member of the public.

(3) The Register shall clearly describe the –

- (a) form and structure of the education and training provider;
- (b) scope of services that the education and training provider is offering; and
- (c) date on which the education and training provider was registered and accredited.

<i>Publication of register in Gazette and other media</i>	7. The Authority shall publish the register referred to in regulation 6 annually, in the <i>Gazette</i> and in newspapers of wide circulation in Botswana.
<i>Quality delivery of learning programmes and assessments</i>	8. An awarding body referred to in regulation 5 shall undertake quality assurance of delivery of learning programmes and associated assessment and moderation processes as specified by the Authority.
<i>Malpractice or maladministration</i>	9. An awarding body shall ensure that there is no malpractice or maladministration within each of the education and training providers that have entered into an agreement with the awarding body in accordance with regulation 5 (3) regarding – <ul style="list-style-type: none"> (a) delivery of learning programmes; (b) assessment and moderation; (c) protection of enrolled learners; (d) governance and management; and (e) any other matters pertaining to regulatory requirements to be complied with as specified by the Authority.
<i>Mitigation strategies in cases of malpractice or maladministration</i>	10.(1) An awarding body shall implement appropriate mitigation strategies where malpractice or maladministration, as referred to under regulation 9, occurs within the education and training provider that it has entered into an agreement with in accordance with regulation 5 (3). (2) The Authority shall undertake quality assurance of the assessment and moderation system and practices of the awarding body.
<i>Validity of registration and accreditation</i>	11. An education and training provider shall remain registered and accredited - <ul style="list-style-type: none"> (a) for a period not exceeding ten years; (b) until such time when the Registration and Accreditation is revoked by the Authority; or (c) until the education and training provider requests for termination of registration and accreditation status.
<i>Renewal of registration and accreditation</i>	12. (1) An education and training provider who wishes to remain registered and accredited shall, at least six months before the period of registration and accreditation expires, apply for renewal of registration and accreditation.

(2) An application for renewal of registration and accreditation shall be in Form B set out in the Schedule, accompanied by a non-refundable fee as set out in the Fees Regulations and any relevant documentation and information as may be required by the Authority.

Monitoring and evaluation of education and training providers

13. (1) The Authority shall monitor and audit registered and accredited education and training providers at a fee set out in the Fees Regulations by the Authority.

(2) The Authority shall audit an education and training provider at least midway through the lifecycle of its registration and accreditation.

Notification of significant changes

14. (1) A registered and accredited education and training provider shall notify the Authority of any significant change, which is likely to affect the operations of the education and training provider, such as the following, but not limited to -

- (a) a change in ownership;
- (b) a change in legal status;
- (c) a decision to cease operations;
- (d) a change in location of sites used;
- (e) a change in the composition of the governing body;
- (f) a change in senior management or senior academic personnel;
- (g) a change in funding sources;
- (h) a change in any franchising or partnership arrangements;
- (i) an increase or decrease in enrolment of more than 10 %;
- (j) a change in staffing status;
- (k) the opening of a new site locally and outside Botswana; and
- (l) a change in the mode of delivery of any programme or course and assessment.

(2) Where the Authority is notified of a change referred to in subregulation (1) the Authority may institute an investigation to

determine whether the changes are consistent with the education and training provider's aims and objects.

Revocation of registration and accreditation

15. (1) The Authority may revoke registration and accreditation where an education and training provider has failed to submit its annual report in accordance with the Authority's annual reporting policy.

(2) Where the Authority decides to revoke the registration and accreditation of an education and training provider, it shall –

- (a) issue a written notice to the governing body of the education and training provider, stating that registration and accreditation requirements referred to under the regulations are no longer being met; giving grounds for the findings under subregulation (1); and
- (b) grant the education and training provider a period of time, to be determined by the Authority, within which to comply with the registration and accreditation requirements referred to under paragraph (a).

Suspension of services, enrolment and programmes

16. (1) Where notice of revocation has been issued to an education and training provider, the concerned registered and accredited education and training provider shall not -

- (a) enrol any new learners in any programme to which the notice applies
- (b) commence any new programmes; and
- (c) commence services at any new site until such time as the notice is formally withdrawn by the Authority or until the registration and accreditation of the provider is confirmed in terms of subregulation (2) .

(2) Following consideration of any submission made by the education and training provider, the Authority may -

- (a) reconfirm the registration and accreditation;
- (b) reconfirm the registration and accreditation with conditions imposed; or
- (c) revoke the registration and accreditation.

(3) Where the Authority issues a notice in terms of regulation 15(2), an education and training provider shall take measures, as specified by the Authority, for the protection of enrolled learners who have begun but not completed the learning programme.

(4) The Authority shall carry out necessary actions to ensure that the education and training provider meets obligations referred to under subregulation (3) and that learner protection is fulfilled.

(5) The Authority shall revoke the registration and accreditation of an education and training provider where the provider does not comply with the conditions specified in the notice referred to in regulation 15 (2)(b).

(6) Where the Authority revokes registration and accreditation, the education and training provider shall cease all operations.

Return of Certificate after revocation of registration and accreditation

17. Where registration and accreditation has been revoked, the education and training provider must return the original Certificate of Registration and Accreditation to the Authority within 21 working days of the revocation.

Publication of name in Gazette and other media

18. The Authority shall publish, in the *Gazette* and other media, the name and particulars of every education and training provider whose programme or registration and accreditation has been revoked.

Removal of name from Register

19. (1) The Authority shall remove the name of an education and training provider whose registration and accreditation has been revoked from the Register.

(2) Subsequent to revocation referred to under regulation 15, the education and training provider may apply for registration and accreditation after a period of three years.

(3) During the period referred under subregulation (2) directors of the affected education and training provider shall not establish or operate a new education and training entity.

Appeals

20. A person or entity aggrieved by a decision of the Authority under these Regulations may appeal to the Appeals Committee in accordance with the appeals procedure as set out by the Authority.

Offences and penalties

21.(1) A person who or entity which -

- (a) operates as an education and training provider or awarding body without being registered and accredited in accordance with the provision of these Regulations;
- (b) states or purports to be a registered and accredited education and training provider or awarding body when the Authority has not granted that person or entity registration and accreditation status;
- (c) withholds required information or makes a statement that is false or misleading to an authorised officer or representative of the Authority in relation to registration and accreditation matters;
- (d) fails to return the certificate of registration and accreditation upon revocation; or
- (e) otherwise contravenes any provisions of these Regulations for which a penalty is not provided,

commits an offence and shall be liable upon conviction, to a fine not exceeding P5 000 or to imprisonment for a term not exceeding five years or both.

(2) An education and training provider found guilty under these Regulations, may re-apply for registration and accreditation after a period of three years.

(3) During the period referred to under subregulation (2) directors of the affected education and training provider shall not establish or operate a new education and training entity.

Transitional provision

22. An education and training provider who, at the coming into operation of these Regulations, has been carrying on the business or activity of education and training shall within 12 months of the coming into operation of these Regulations comply with the provisions of these regulations.

Revocation of Statutory Instruments Numbers 56 of 2004, 56 of 2005 and 100 of 2008.

23. The Registration of Private Tertiary Institutions Regulations, 2004, Registration of Operating Private and Public Tertiary Institutions Regulations, 2005, and the Accreditation of Private Tertiary Institutions Regulations, 2008, are hereby repealed.

SCHEDULE
Form A
Application for Registration and Accreditation as Training and Education Provider
(regulation 3)



**APPLICATION FOR REGISTRATION AND ACCREDITATION OF EDUCATION
AND TRAINING PROVIDERS**

1. Education and Training Provider management and location.

Name of Education and Training Provider			Registration & Accreditation No.
Postal address			
Physical address of administration site			
Lease period of the administration site (<i>Please write owned if applicable</i>)	Commencement date <i>(dd/mm/yyyy)</i>	Expiry date <i>(dd/mm/yyyy)</i>	
Telephone Number		Fax Number	
Email address			
Name of city / town / village			
District / Sub-district			
Application submitted by		Designation	
Name of contact person	<i>(Surname)</i>	<i>First name(s)</i>	Individual ID.
Date of birth		Gender	Male

	(dd/mm/yyyy)	(tick appropriate box)	Female	
Nationality (country)				
Omang No. (Citizens)/Passport No. (non-Citizens)				

2. Governors / Directors particulars:

Names of Governors / Directors (surname first)	Nationality (Country)	Work experience	Highest level of education attained	Present occupation

3. State the scope of education and training services you intend to offer.

Scope	Levels

4. Declaration.

We the undersigned state that:

- i) the information contained in the application is, to the best of our knowledge, true and accurate.
- ii) our institution has sufficient financial provision to cover its operations.

Name of Management Representative	<i>(surname)</i> <i>(first name(s))</i>		
Signature		Date	<i>(dd/mm/yyyy)</i>
Name of chairperson of Governing body	<i>(surname)</i> <i>(first name(s))</i>		
Signature		Date	<i>(dd/mm/yyyy)</i>
Name of one member of Board of Governors	<i>(surname)</i> <i>(first name(s))</i>		
Signature		Date	<i>(dd/mm/yyyy)</i>

5. For official use by BQA

Date application received by Records Management Division	Date <i>(dd/mm/yyyy)</i>	Full Name	Signature
Date ERD captured data on database	Date <i>(dd/mm/yyyy)</i>		Signature
Date application received by Quality assurance division	Date <i>(dd/mm/yyyy)</i>		Signature
Name of BQA officer processing application	<i>(Surname):</i> <i>(First name(s):</i>		
Date application allocated to Quality assurance officer	Date	Allocated by:	

Form B
Renewal of Registration and Accreditation
(regulation 12)



APPLICATION FOR RENEWAL OF REGISTRATION AND ACCREDITATION

1. Education and Training Provider management and location.

Name of Education and Training Provider			Registration & Accreditation No.	
Postal address				
Physical address of administration site				
Lease period of the administration site (<i>Please write owned if applicable</i>)	Commencement date	Expiry date		
	<i>(dd/mm/yyyy)</i>	<i>(dd/mm/yyyy)</i>		
Telephone Number		Fax Number		
Email address				
Name of city / town / village				
District / Sub-district				
Application submitted by		Designation		
Name of contact person	<i>(Surname)</i>	<i>First name(s)</i>	Individual ID.	
Date of birth	<i>(dd/mm/yyyy)</i>	Gender <i>(tick appropriate box)</i>	Male	
			Female	

Nationality (country)	
Omang No. (Citizens)/Passport No. (non-Citizens)	

2. Governors / Directors particulars:

Names of Governors / Directors (surname first)	Nationality (Country)	Work experience	Highest level of education attained	Present occupation

3. State the scope of education and training services you intend to offer.

<i>Scope</i>	<i>Levels</i>

4. Declaration.

We the undersigned state that:

- i) the information contained in the application is, to the best of our knowledge, true and accurate.
- ii) our institution has sufficient financial provision to cover its operations.

Name of Management Representative	<i>(surname)</i> <i>(first name(s))</i>		
Signature		Date	<i>(dd/mm/yyyy)</i>
Name of chairperson of Governing body	<i>(surname)</i> <i>(first name(s))</i>		
Signature		Date	<i>(dd/mm/yyyy)</i>
Name of one member of Board of Governors	<i>(surname)</i> <i>(first name(s))</i>		
Signature		Date	<i>(dd/mm/yyyy)</i>

5. For official use by BQA

Date application received by Records Management Division	Date <i>(dd/mm/yyyy)</i>	Full Name	Signature
Date ERD captured data on database	Date <i>(dd/mm/yyyy)</i>		Signature
Date application received by Quality assurance division	Date <i>(dd/mm/yyyy)</i>		Signature
Name of BQA officer processing application	<i>(Surname):</i> <i>(First name(s)):</i>		
Date application allocated to Quality assurance officer	Date	Allocated by:	

Form C
Certificate of Registration and Accreditation
(regulation 4)


BOTSWANA
Qualifications Authority

**CERTIFICATE
OF REGISTRATION & ACCREDITATION**

This is to certify that

of

is accredited as a

Under the Botswana Qualifications Authority Act No 24 of 2013

_____ Date of First Registration & Accreditation	_____ Date of Current Registration & Accreditation	_____ Expiry Date
_____ Education Registrar		_____ Chief Executive Officer

TVET 0000001

ETP NO:

BQA BQA BQA BQA BQA

MADE this

day of

, 2016.

Dr. UNITY DOW,
Minister of Education and Skills Development,