

Statutory Instrument No. 64 of 2016

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

**BOTSWANA QUALIFICATIONS AUTHORITY (REGISTRATION AND
ACCREDITATION OF EDUCATION AND TRAINING PROVIDERS)
REGULATIONS, 2016**
(Published on 17th June, 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 —

1. These Regulations may be cited as the Botswana Qualifications Authority Citation
(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 in terms of 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 pre-requisite 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 twenty-one (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 twelve (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.

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| <p>5. (1) The Authority shall develop and implement a criterion for registration and accreditation of awarding bodies.</p> | <p>Registration and accreditation of awarding bodies</p> |
| <p>(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.</p> | |
| <p>(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.</p> | |
| <p>6. (1) The Authority shall maintain a register of all registered and accredited education and training providers.</p> | <p>Register of education and training providers</p> |
| <p>(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.</p> | |
| <p>(3) The Register shall clearly describe the —</p> <ul style="list-style-type: none"> (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. | |
| <p>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.</p> | <p>Publication of register in <i>Gazette</i> and other media</p> |
| <p>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.</p> | <p>Quality delivery of learning programmes and assessments</p> |
| <p>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 —</p> | <p>Malpractice or maladministration</p> |
| <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. | |
| <p>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).</p> | <p>Mitigation strategies in cases of malpractice or maladministration</p> |
| <p>(2) The Authority shall undertake quality assurance of the assessment and moderation system and practices of the awarding body.</p> | |
| <p>11. An education and training provider shall remain registered and accredited —</p> | <p>Validity of registration and accreditation</p> |
| <ul style="list-style-type: none"> (a) for a period not exceeding ten years; | |
| <ul style="list-style-type: none"> (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. | |

Renewal of registration and accreditation

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).

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 —

Suspension of services, enrolment and programmes

- (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) re-confirm the registration and accreditation;
- (b) re-confirm 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.

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 twenty-one (21) working days of the revocation.

Return of Certificate after revocation of registration and accreditation

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.

Publication of name in *Gazette* and other media

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

Removal of name from 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 to under subregulation (2) directors of the affected education and training provider shall not establish or operate a new education and training entity.

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.

Appeals

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 provisions 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 (Please write owned if applicable) | Commencement date (dd/mm/yyyy) | Expiry date (dd/mm/yyyy) | | |
| | | | | |
| Telephone Number | | | Fax Number | |
| Email address | | | | |
| Name of city/town/village | | | | |
| District/Sub-District | | | | |
| Application submitted by | | | Designation | |
| Name of contact person | (Surname) | First name(s) | | Individual ID. |
| Date of birth | (dd/mm/yyyy) | Gender | Male | |
| | | (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 |
|---|--------------------------|-----------------|-------------------------------------|--------------------|
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3. State the scope of education and training services you intend to offer.

| <i>Scope</i> | <i>Levels</i> |
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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 <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 |
| | <i>(dd/mm/yyyy)</i> | | <i>(tick appropriate box)</i> | 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 |
|---|--------------------------|-----------------|-------------------------------------|--------------------|
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3. State the scope of education and training services you intend to offer

| <i>Scope</i> | <i>Levels</i> |
|--------------|---------------|
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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

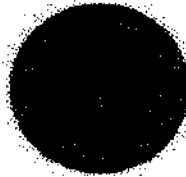
| | | |
|---|---|-------------|
| Date of First Registration & Accreditation | Date of Current Registration & Accreditation | Expiry Date |
|---|---|-------------|

Education Register

Chief Executive Officer

TWET 000001

EIP NO:



MADE this 1st day of June, 2016.

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