

Further Q&As for PTEs

Process for selecting PTEs for transition

1. How does the RoVE programme ensure that a TITO has carried out a fair and reasonable process in selecting a preferred provider/s for its transition plan?

The TITO Transitions project team, part of the RoVE Programme, meets regularly with each TITO to support their transition planning. The project team has developed a PTE engagement approach with TITOs, and the project team monitors whether the TITOs are following this approach, and ensures that PTE engagement details and outcomes are captured in TITO Transition Plans. The TITOs are required to document the PTEs the TITOs have considered and consulted, the engagement they've had with those PTEs, and the outcomes of that engagement. They also need to show evidence that any unsuccessful PTEs have been advised of the rationale for a TITO's decision not to proceed with them, and to document the PTE response to the decision. The TITOs must also show evidence of industry support for their Transition Plan (including the receiving organisations who the TITO intends to transition to). This evidence can take the form of survey results, letters of support etc.

2. What is TEC's governance process around provider selection in a TITO transition plan ahead of TEC Board approval?

The TEC has a rigorous four-step process for reviewing TITO Transition Plans, of which provider selection is a critical element. The cross-agency process involves an evaluation panel, a moderation panel, and a programme governance board, with the final step involving the full TEC Board. The TEC Board can direct that the Transition Plan is amended if the Board is not satisfied with any aspect of the plan.

3. What redress does a PTE have if it believes it hasn't been given a fair and reasonable hearing?

If a PTE is dissatisfied with any engagement it is having with a TITO, it should contact the TITO Transitions Project Team via TITO.Transitions@tec.govt.nz. The project team will discuss the PTE's concerns with the relevant TITO, and ensure that the TITO is engaging PTEs using the agreed approach. The project team also ensures that the rationale for proceeding or not proceeding with each PTE (or other provider) is reasonable and that their decision has industry and employer support.

TEC also has a [formal complaints process](#) which you can find on our website.

Intellectual property matters

4. Who owns the intellectual property (IP) held by a TITO?

It will depend on agreements held between TITOs and other organisations, such as PTEs. Individual PTEs should seek their own legal advice on IP matters. If there is a dispute, it would need to be settled between the relevant parties and may be a matter for the courts.

5. Is there any IP that a PTE could lay claim to?

As mentioned above, it will depend on agreements held between TITOs and PTEs.

6. Once IP ownership is resolved, can the owner charge users a fee?

Yes.

TITOs considering becoming a PTE – process and protections

7. What is the process whereby a TITO sets up as a PTE?

Any party or organisation is able to set up as a PTE. If a TITO wishes to set itself up as a PTE and access TEC funding (such as ITF funding to cover the costs of Arranging Training activities), the new PTE needs to register with NZQA and then apply to TEC for the ITF funding.

The NZQA requirements and TEC funding conditions apply to any party or organisation interested in becoming a PTE. Please note that TEC will not consider funding a PTE until it is NZQA-registered, and being registered does not guarantee TEC funding.

8. What is to stop a TITO's leadership from turning the TITO into a PTE which they own and profit from?

All TITOs must produce a detailed TITO Transition Plan for approval by the TEC Board. The structure and ownership of the proposed organisation wishing to take over Arranging Training is considered as part of the TITO Transition Plan evaluation. The plan must show industry and employer support for the proposed transition. TITOs must declare any conflicts of interest related to their proposed transition. It is very unlikely that the Board will approve a TITO Transition Plan in which shareholder interests are put ahead of learner and employer interests.

9. If a TITO becomes a PTE, what protections are there for a PTE which is currently a provider to that TITO?

We would expect existing contracts to be honoured and for this to be confirmed in the TITO Transition Plan. Beyond that, the RoVE programme is building a new landscape of vocational education delivery for New Zealand and there are no guaranteed protections for any providers, including PTEs. The best approach for an existing PTE is to ensure it continues to operate effectively and can continue to demonstrate learner, employer and industry support. The vocational education system will be stronger with experienced, effective and well-supported PTEs continuing to play a key role in it.