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9(2)(a)

Tēnā koe 9(2)

Thank you for your request, received on 23 September 2020, for the following information under the Official Information Act 1982 (the Act):

1. *The process to follow in order to refer a training problem to the Tertiary Education Commission*
2. *The process the Tertiary Education Commission use to appoint an independent mediator to assist/resolve a training problem*
3. *How many training problems or other apprenticeship related matters have been referred to the Tertiary Education Commission in the past five years?*
4. *How many training problems have been mediated via this process in the past five years?*

The Code of Good Practice for New Zealand Apprenticeships (the Code) was introduced in July 2015 and sets out the responsibilities of apprentices, their employers, and persons carrying out apprenticeship training activities under the Industry Training and Apprenticeships Act 1992. The provisions of that Act have recently been repealed and replaced by the Education and Training Act 2020. As you may know, every New Zealand Apprenticeship must have a training agreement which documents the formal arrangement between the employer and the apprentice, and forms part of the apprentice's employment agreement. Every New Zealand Apprenticeship must also have a training plan. The training plan sets out the details of the training to be undertaken, but does not form part of the employment agreement.

The components of a training plan are:

- the qualification to be achieved;
- the required standards and/or competencies to achieve the qualification;
- other key skills the apprentice may require;
- the training process, delivery modes and assessment arrangements;
- the key milestones, achievement targets and goals, and
- a regular review and reporting framework.

The Code notes that “*all parties have an obligation to work together to resolve problems related to the training plan. In the event that a problem cannot be resolved and there is no prior agreement about a resolution process, the Tertiary Education Commission will appoint an independent mediator who is acceptable to all parties.*”



Therefore, in response to your questions:

1. The process to follow in order to refer a training problem to the Tertiary Education Commission

If a party to an apprenticeship wished to refer a problem related to the training plan to the Tertiary Education Commission (TEC), this can be done via phone or email:

- Via phone: 0800 601 301 (to TEC's Customer Contact Group)
- Via email: either complaints@tec.govt.nz or customerservice@tec.govt.nz

2. The process the Tertiary Education Commission use to appoint an independent mediator to assist/resolve a training problem

Please refer to my response to question 4, below.

3. How many training problems or other apprenticeship related matters have been referred to the Tertiary Education Commission in the past five years?

I have interpreted 'training problems' to be 'problems with training plans' (as per the wording in the Code). I can advise that, in the past five years, the TEC has had 16 instances where a party to an apprenticeship has contacted the TEC. None of these instances fall into the category of 'problems with training plans', but rather all fall within the second category you note - 'apprenticeship related matters'. These matters have included concerns around fees, issues with enrolling, assessments, and Industry Training Organisations, as opposed to problems around training plans. All of these concerns have been informally resolved in a matter of days by the TEC, either by way of contacting the tertiary education organisation (TEO) directly or referring the learner back to the TEO's formal complaints process.

4. How many training problems have been mediated via this process in the past five years?

Since the introduction of the Code, the TEC has not needed to appoint an independent mediator to resolve problems related to training plans. Should such a query arise, the TEC would appoint an independent mediator. The process for appointment has not been determined as the need has not yet arisen. However should the need arise, we would seek guidance from the Government Centre for Dispute Resolution as necessary and look to use existing independent services such as the Arbitrators' and Mediators' Institute of NZ Inc.

Therefore, I can advise that no problems related to training plans have been mediated since the introduction of the Code.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

The TEC intends to publish its response to this request on our website with your personal details removed. Consistent with the Act, we are publishing responses in the interests of transparency and accountability, and to improve access to official information.

Nāku noa, nā



Tim Fowler
Chief Executive
Tertiary Education Commission