

Educational Services in Qatar: Recent Updates

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Education continues to be an important area of development in Qatar. In the past 18 months, there have been a number of developments regarding the regulation of education in Qatar. In brief:

- in November 2016, a new law regulating private schools (Qatar's Law No. 23 of 2015 Regulating Private Schools) took effect;
- in April 2017, a new resolution (the Minister of Education and Higher Education's Resolution No. 10 of 2017 on Providing Educational Services) was issued to clarify key matters applicable to any individual or entity that provides 'educational services' in Qatar; and
- in June 2017, a new law (Law No. 9 of 2017 regulating government schools) calling for the establishment of public schools in the country took effect. The law stipulates that the government of Qatar should open public schools and provide those schools with the necessary funds to carry out their role in educating the youth and promoting innovation and academic excellence.

This article will focus on the second bullet point, namely recent developments relating to the provision of educational services in Qatar. Developments in relation to private schools and public schools will be examined in future updates.

Educational Services Law: Application

The Minister of Education and Higher Education's Resolution on Providing Educational Services (Resolution No. 10 of 2017) (the 'Resolution') came into effect in April 2017. The Resolution clarifies key provisions of Qatar's Law No. 8 of 2015 the Educational Services Law (the 'Educational Services Law'), which came into effect in November 2015.

The Educational Services Law governs any individual or entity that provides educational services (defined below); however, it does not apply to educational services offered by:

- governmental authorities; and
- non-governmental parties to their employees.

In addition, the Educational Services Law does not apply to 'private schools' (private school means every non-governmental facility that provides education from kindergarten through to the end of secondary school).

What are Educational Services?

Educational services are defined in the Educational Services Law to include education and/or training in the fields of:

- languages, computing, secretarial, accounting, business administration; and

- other fields determined by the Minister of Education and Higher Education, the Secretary General of the Supreme Education Council (the 'Minister').

Relevantly, the Minister passed the Resolution, which expands the educational services fields (as stated in the Educational Services Law) to include the following:

- reinforcement classes for the educational services;
- educational training;
- mental math;
- visual arts for training on drawing, sculpture, photography, decoration works and the like; and
- educating and training handicapped persons.

The Resolution provides no additional guidance regarding what each of these fields includes; however, generally speaking, subject to the exclusions set out above and in the absence of a more specific law, the Educational Services Law will apply to private higher educational institutions, such as colleges and universities, offering education or training in relation to any of the fields set out above.

Key provisions of the Educational Services Law

Key provisions of the Educational Services Law, as clarified by the Resolution, are summarised as follows:

- Any facility that provides educational centres must have a specific licence to operate. Licenses are issued for a one year (renewable) period. The licence fee is QAR 5,000 and the renewal fee is QAR 3,000.
- Applications for a licence will be determined (within 60 days) by an administrative unit of the Supreme Education Council. If an application is rejected, the applicant may appeal to the Minister within 30 days of the decision. The Minister will determine appeals within 30 days of the appeal being filed. If the Minister rejects the appeal, there is no further avenue of appeal and the Minister's decision will be final.
- The licence application must be submitted using the relevant form and should be accompanied by the documents and information detailed in the Resolution (discussed further below).
- Any facility that provides educational services should have separate premises in which they operate (the licence will be issued for that premises). Only one educational centre may be licensed at one premise.
- Licences cannot be assigned to third parties without prior approval from the relevant administrative unit of the Supreme Education Council.
- The licensed provider must not deal with any overseas providers without prior approval from the Supreme Education Council.
- Educational centres should maintain records (that may be inspected by the Supreme Education Council) relating to the centre and its employees, including:
 - a register for employee affairs;
 - a register for seminars and services offered by the centre; and
 - any other register determined by the relevant administrative unit of the Supreme Education Council.

License Application Documents

The Resolution provides that any application for a license must be accompanied by the following documents and information:

- ID/passport, resumes and certificates of good conduct for the licence applicant as well as:
- those in charge of the management of the educational centre; or
- the active partners of the educational centre.
- Specimen signature of the licence applicant (or the legal representative of the educational centre).
- An undertaking to provide the required bank guarantee (discussed further below).
- Suggested name of the educational centre and its organisational structure.
- Copy of the commercial register of the licence applicant.
- Copy of the title deed of the premises in which the educational services will be provided (or, if the premises are not owned by the licence applicant, a copy of the lease agreement for the premises).

- An engineering drawing of the premises showing its location and specifications, together with an architectural plan showing the areas and dimensions of the rooms in the premises.
- A certificate certifying the constructional safety of the building and confirming that requisite safety and security requirements are satisfied.
- A copy of the memorandum of association, articles of association or by-laws, as applicable.
- Any further licence-related documents that the relevant administrative unit of the Ministry of Education and Higher Education may deem to be required.

Bank Guarantee

A licence is subject to a bank guarantee being provided, in the sum of:

- QAR 100,000 for one educational service, or
- QAR 200,000 for more than one educational service.

The bank guarantee may be deducted (in full or partially) if:

- the educational centre violates the Educational Services Law, the Resolution, or any other implementing regulations and decisions; or
- the educational centre fails to provide the licensed service within one year of the licence having been issued; or
- the quality of licensed services falls below the required level; or
- the educational centre's financial situation prevents the centre from fulfilling its obligations; or
- the educational centre fails to rectify a violation within the time frame stipulated by the Supreme Education Council.

In addition, the Supreme Education Council may also impose the following sanctions:

- close the educational centre (for a maximum period of sixty days) in order to investigate potential breaches of the Educational Services Law; and/or
- suspend of the licence; and/or
- cancel the licence.

Other penalties

The Educational Services Law also sets out general provisions that permit the following penalties to be imposed:

- imprisonment of up to 6 months; and/or
- a financial penalty of QAR100,000; and/or
- cancellation or suspension of the licence.

Finally, a court may also impose additional penalties, including:

- closing down the educational centre and removing its signboards; and/or
- recovery of amounts collected from concerned parties.

Looking Forward

Education remains a key area for development in Qatar. We have already seen a number of developments in relation to private schools and educational services providers. Further reforms relating to public schools are expected to be introduced later this year. We will continue to monitor these developments and provide updates from time to time.

Note: the Qatari laws mentioned in this article are issued in Arabic and there are no official translations. For the purposes of this article, we have used our own unofficial translations. Where applicable, we have

interpreted the laws mentioned in the context of any applicable regulations and in line with current market practice.