

**Tertiary Education
Commission**
Te Amorangi Mātauranga Matua



2020 Funding Conditions Catalogue

Introduction to the Funding Conditions Catalogue

How to use this catalogue

We have taken a new approach to providing you with your funding conditions. For 2020 funding, we have removed our base funding conditions and fund-specific conditions from your funding confirmation letter and created this funding conditions catalogue.

This change is intended to make it easier to find and access the information you need.

The funding conditions catalogue is broken down into two main parts:

- » base funding conditions – general TEC conditions of funding
- » fund-specific conditions – conditions that apply to approved funding for each Fund.

You can navigate the catalogue by going to the Contents page and selecting the section you want. Or, you can download and open the catalogue in a PDF reader and use the 'Bookmarks' side panel to select a section.

The Funding Conditions Catalogue is available in Workspace 2 and on our website www.tec.govt.nz.

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The Tertiary Education Commission

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Base Funding Conditions

Introduction

- A. This section sets out the Conditions that apply to every Fund for which you receive Funding.
- B. In addition to the Conditions set out in this section, the following Conditions apply to your Funding:
 - (a) Fund-specific Conditions, which are set out in this Funding Conditions Catalogue; and
 - (b) Organisation-specific Conditions, which are set out in Appendix 2 of your Funding Confirmation Letter.

1. Conditions in the Education Act

- 1.1 Sections 159YC(1) and 159ZD(1) of the Education Act 1989 (as applicable) set out a number of statutory conditions that apply to your organisation's receipt of funding. Those conditions relate to the supply of financial, statistical or other information to us or the Ministry of Education from time to time, as required.

2. Conditions that apply to all Funding

2.1 Supply of information

- (a) You must supply to us information relating to your financial viability, if we notify you that we require that information, within the time period specified in the notice.
- (b) You must supply to us information about your subcontracting arrangements when we request that information, within the time period specified in the notice.
- (c) You must notify us at least 28 days before, or as soon as practicable if it is not possible for you to notify us at least 28 days before:
 - (i) you have a Change of Control (see definition below);
 - (ii) you transfer (or agree to transfer) all or a material part of your assets to a third party;
 - (iii) you merge with or acquire any other entity or business; or
 - (iv) there is any change to the persons who make up your governing body.
- (d) You must notify us immediately if:
 - (i) any record required to be kept under section 159YD(1) (for On-Plan Funding) or section 159ZE (for Off-Plan Funding) of the Education Act has been lost or damaged;
 - (ii) you are no longer able to comply with a Condition;
 - (iii) your New Zealand Qualifications Authority (NZQA) registration or accreditation is cancelled (relevant if you are a private training establishment (PTE));
 - (iv) you have an Insolvency Event (see definition below);
 - (v) you have changed your name; or
 - (vi) the location or locations at which you deliver a course or courses has changed.
- (e) If you are a tertiary education institution (TEI) you must give us copies of your audit management letter from the Office of the Auditor General within 5 working days of receiving it.
- (f) If you are an institute of technology or polytechnic (ITP), you must:
 - (i) give us (or an organisation specified by us) monthly financial information:
 - A. using the template provided by us; and

- B. no later than 5pm on the last day of the month following the month to which the information relates; and
- (ii) give us copies of each council meeting minutes no later than 5 working days after the meeting has taken place (or as otherwise agreed by us).

Definitions used in this paragraph 2.1

Insolvency Event means, in relation to you, the occurrence of any of the following events:

- (A) any step taken in or toward the making of any compromise, proposal or deed of arrangement with all or some of your creditors;
- (B) the appointment of a liquidator, provisional liquidator, receiver, receiver and manager, voluntary administrator, statutory manager, or similar official in respect of you or the whole or part of your assets;
- (C) the suspension or threatened suspension of the payment of your debts;
- (D) you cease or threaten to cease to carry on all or any material part of your business or operations;
- (E) a distress, attachment or other execution is levied or enforced upon, or commenced against, any of your assets and is not discharged or stayed within 10 business days, except, in each case, when we are satisfied that you are contesting the same in good faith by appropriate proceedings;
- (F) cessation of your business in New Zealand; or
- (G) any other insolvency event or proceedings analogous to any of the foregoing occurring in any relevant jurisdiction.

Change of Control means, in relation to a person (the “first person”), when a person acquires Control of the first person or when a person who controls the first person ceases to do so; and

Control means, in relation to a person (the “first person”), the ability of another person (the “second person”) to ensure that the activities and business of the first person are conducted in accordance with the wishes of the second person, whether through ownership of voting shares, contract or otherwise. Without limitation, the direct or indirect beneficial ownership of more than 50% of the voting rights in a body corporate is deemed to constitute Control.

2.2 Financial viability assessment

This Condition applies to you if you are a PTE or a community education provider (CEP).

- (a) You must participate in a financial viability assessment when we ask you to do so.
- (b) If your organisation is assessed by us as being high risk, you must provide us with a financial viability plan that we consider acceptable, by the date we specify.
- (c) A financial viability action plan must state how you will meet the set of minimum financial prudential standards specified by us.
- (d) You must comply with the financial viability action plan during the Funding Period.

2.3 Source and use of funding

- (a) You must:
 - (i) not (without our prior written consent) seek or obtain any funding from any Crown source other than us to fund a programme or training scheme that is delivered using the Funding; and
 - (ii) notify us immediately if you become aware of any circumstances that might result in a breach of subparagraph (i) of this Condition.

- (b) You must only use the Funding:
 - (i) lawfully, responsibly, and for the purposes for which the Funding is provided; and
 - (ii) in a manner consistent with the appropriate use of public funds.

2.4 Organisation to make information available to us and our appointed representative for the purpose of monitoring

- (a) You must give us (and any representative acting on our behalf) reasonable access to information needed by us to undertake our review and monitoring functions.
- (b) By accepting the Funding, you authorise us and our appointed representatives to have access to your premises and any premises where your records are kept for the purpose of enabling monitoring and review activities to be undertaken at those premises.

3. Conditions that apply to all Funding if you are a wānanga, PTE or ITP

3.1 External Evaluation and Review status

- (a) You must continue to have a:
 - (i) Category 3 status or better on the most recent occasion that you were subject to NZQA's External Evaluation and Review (EER) process; or
 - (ii) Category 4 status on the most recent occasion that you were subject to the EER process, and:
 - A. have received Category 3 status or better in the EER process immediately prior to the most recent occasion; and
 - B. have addressed the issues identified by the NZQA within 12 months following the publication of the EER report in which you received a Category 4 status; and
 - C. receive a Category 3 status or better on the next occasion that you are subjected to the NZQA's EER process.

3.2 Appointment of independent organisation to assess and moderate learning

If NZQA withdraws or suspends your right to assess and moderate students' learning in accordance with its Quality Assurance (including External Evaluation and Review (EER)) Rules 2016, you must, in conjunction with NZQA, identify and appoint an independent organisation that has appropriate consent to assess and moderate the learning of the students enrolled at your organisation.

3.3 Expired dates for qualifications

You must not deliver, and we will not fund, any qualifications beyond the expiry date for the qualification as determined by NZQA, unless the delivery is to learners who enrol or were enrolled in the qualification before the last date of entry.

Base Funding Information

1. Payment of Funding

- 1.1 We will provide you with the Funding specified in your Funding Confirmation Letter in respect of the Funding Period subject to:
 - (a) your compliance with the Conditions that apply to your Funding;
 - (b) our rights to suspend, revoke or withdraw the Funding as set out in the Education Act;
 - (c) the relevant Funding Mechanisms continuing in effect; and
 - (d) the Government continuing to appropriate sufficient funding for the relevant Fund.
- 1.2 To ensure accountability for public money, we will:
 - (a) monitor your enrolment data and, if you are tracking below funded volumes, we may implement a reduced payments schedule following withdrawing, suspending or revoking some of your funding under section 159YG or 159ZF of the Act (whichever is applicable), or, if applicable, require you to amend your Investment Plan after following the process set out in section 159YM of the Act; or
 - (b) recover funding for under-delivery of the programmes and activities described in your Investment Plan or Application for Funding, in accordance with the Conditions.
- 1.3 The amounts specified in your Funding Confirmation Letter are in New Zealand dollars and exclude GST. We will pay you the Funding plus GST, if applicable.
- 1.4 Your Funding Confirmation Letter sets out the entire understanding between you and us in relation to the Funding to be provided by us to you for the Funding Period. The Funding Confirmation Letter supersedes all prior verbal or written communication relating to the provision of funding to be provided by us to you for the Funding Period (including all earlier communication in respect of the approval of funding made by the Chief Executive of the Tertiary Education Commission (TEC) or any other TEC official).
- 1.5 Subject to our future approval, we intend to provide you with the Indicative Funding specified in the Key Particulars (if any).

2. Variations

- 2.1 In relation to your Investment Plan, you should contact us in the following circumstances if you:
 - (a) think your Investment Plan may need to be amended; and/or
 - (b) wish to vary delivery from that specified in your Investment Plan.

Sections 159YK to 159YN of the Education Act apply where we or you seek a significant amendment to your Investment Plan.
- 2.2 In relation to your Application for Funding, you should contact us in the following circumstances if you:
 - (a) think the Minimum Requirements may need to be amended; or
 - (b) wish to vary delivery from that specified in the Minimum Requirements.

3. Communication and relationship management

- 3.1 Regular contact will be maintained for the purpose of:
- (a) us monitoring your performance against the Performance Commitments set out in your Investment Plan and/or the Minimum Requirements (as applicable);
 - (b) encouraging the on-going review and assessment of your effectiveness;
 - (c) providing constructive feedback that will enhance the effectiveness of your performance; and
 - (d) identifying early any issues and opportunities for you to improve.
- 3.2 If you expect that you will not meet the Performance Commitments set out in your Investment Plan and/or the Minimum Requirements (as applicable), or that you will not comply with a Condition, you should advise us in writing as soon as possible.

4. Record-keeping and reporting

- 4.1 In addition to any specific record-keeping and reporting obligations as described in the Conditions, you must comply with your record-keeping and reporting obligations as set out in (as applicable):
- (a) section 159YD of the Education Act (in relation to On-Plan Funding); and/or
 - (b) section 159ZE of the Education Act (in relation to Off-Plan Funding).
- 4.2 The records that you are required to keep must, for example, fully and fairly show for the period to which the Funding relates whether the Conditions on which funding approval was given have been complied with.

5. TEC monitoring activities

- 5.1 We will monitor your performance against:
- (a) your compliance with the Conditions;
 - (b) the Performance Commitments in your Investment Plan; and
 - (c) your delivery against the Minimum Requirements (as applicable).
- 5.2 We will also monitor your performance against:
- (a) any initiatives implemented to reduce low-performing provision;
 - (b) the agreed objectives for any TEC-funded projects; and/or
 - (c) the change expectations for you as agreed by us.
- 5.3 If we consider that there are persistent quality issues with the data you submit to us, we may require that the accuracy of your data is validated by a third party.
- 5.4 Your performance against the Conditions, the Performance Commitments in your Investment Plan and the Minimum Requirements (as applicable) will also be considered when making future funding decisions.

6. Suspension, revocation or withdrawal of Funding

We may suspend, revoke or withdraw some or all of the Funding provided under this Funding Confirmation in accordance with:

- (a) section 159YG of the Education Act (in respect of On-Plan Funding), in which case sections 159YH to 159YJ of the Education Act also apply; or
- (b) section 159ZF of the Education Act (in respect of Off-Plan Funding), in which case sections 159ZG and 159ZH of the Education Act also apply.

For example, we may suspend or revoke your Funding if we are satisfied on reasonable grounds that:

- (a) you have not complied, or are not complying with a Condition on which Funding has been given;
- (b) if the Funding is On-Plan Funding, when measured against performance indicators, you have not achieved, or are not achieving, an outcome anticipated in your Investment Plan for a tertiary education programme or activity to which Funding has been given; or
- (c) you have not provided, or are not providing, adequate and timely information required by us or the Ministry.

7. Investment Plan summaries

- 7.1 If you have not been granted an exemption under section 159U of the Education Act from the requirement to provide an Investment Plan, you must ensure that a plan summary is available for inspection by the public and that it complies with section 159YO of the Education Act. The simplest way to do this is to make the information public online. We recommend that your Investment Plan summary is published alongside your other accountability documents.
- 7.2 The requirements for what an Investment Plan summary must include are specified in the Gazette Notice: Education (Proposed Investment Plans: Requirements, Content, Submission and Assessment; and Plan Summaries) Notice 2019, and in section 159YO of the Education Act.

8. No guarantee of further funding

Funding approval does not mean that we:

- (a) approve any funding other than that specified in the Funding Confirmation Letter. This includes any Indicative Funding which requires a further approval to be made by us before such funding can be considered to be “approved”;
- (b) agree with every statement in your Investment Plan or Application for Funding; or
- (c) will fund you in the future.

Adult and Community Education (Communities)



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Adult and Community Education (Communities)

Purpose of Fund

The purpose of the Adult and Community Education (ACE) Fund is to purchase provision that provides adults with community-based education, foundation skills and pathways into other learning opportunities that meet community learning needs.

The following Conditions apply, under section 159YC of the Education Act 1989, to the ACE (Communities) Fund Funding that you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

- (a) You must continue to be:
 - (i) a tertiary education institution (TEI), namely:
 - A. an institute of technology and polytechnic (ITP);
 - B. a wānanga; or
 - (ii) a private training establishment (PTE) that specialises in foundation learning;
 - (iii) a Rural Education Activities Programme (REAP) provider; or
 - (iv) a community organisation.
- (b) If you are an ITP, wānanga, PTE or REAP provider, you must continue to be quality assured by New Zealand Qualifications Authority (NZQA).

2. Learner eligibility

- (a) You must ensure that ACE (Communities) Fund Funding is only used in respect of a learner enrolled in an ACE programme who is, and continues to be:
 - (i) a Domestic Student; and
 - (ii) aged 16 years or over; and
 - (iii) not a full-time secondary school student.
- (b) However, you may use ACE (Communities) Fund Funding for a learner who is a Domestic Student but does not meet the criteria specified in subparagraph (a)(ii) or (a)(iii) if that learner is:
 - (i) under the age of 16 years and they participate with adults in family-based provision; or
 - (ii) a full-time secondary school student:
 - A. who is 16 years of age and over; and
 - B. who receives ACE (Communities) Fund-funded provision outside of normal school hours; and
 - C. who has obtained approval from the relevant school principal; and
 - D. for whom you have obtained our approval.

3. Verification of learner eligibility

3.1 You must verify that each learner enrolled in a programme of study or training meets the eligibility criteria as specified in Condition 2 by sighting the relevant documents specified below for the type of learner:

Type of learner	Verification methods
A New Zealand citizen	<p>You must:</p> <ul style="list-style-type: none">a) confirm the learner’s citizenship status using the learner’s National Student Number (NSN); orb) receive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); orc) sight an original or certified copy of one or more of the following documents:<ul style="list-style-type: none">i) a New Zealand birth certificate; orii) a New Zealand passport; oriii) a New Zealand certificate of citizenship; ord) if a learner is unable to obtain a birth certificate for the purposes of (c)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none">a) a passport with a current returning residency class visa (a passport with a visa label); orb) a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); orc) a certificate of identity from Immigration New Zealand if the learner is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none">a) an Australian birth certificate issued before 20 August 1986; orb) an Australian passport; orc) a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>

You must follow the process set out in paragraph 3.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 3.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4. Verification of learner identity

- (a) You must verify the identity of each learner enrolled in a programme or programmes of study or training by doing one or more of the following, and assessing whether the learner is who they say they are by:
 - (i) confirming that all data fields match the learner's NSN; or
 - (ii) receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - (iii) sighting the original or certified copy of a current passport; or
 - (iv) sighting the original or certified copy of one or more of the following documents:
 - A. a birth certificate; or
 - B. a certificate of identity; or
 - C. a New Zealand certificate of citizenship; or
 - D. an expired passport that has not been cancelled; or
 - E. a current New Zealand driver licence; or
 - F. a current New Zealand firearms licence; or
 - (v) if a learner is unable to obtain a birth certificate for the purposes of (a)(iv)(A) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of identity.
- (b) For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
 - (i) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar), and
 - (ii) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5. Programme eligibility

- (a) You must only use ACE (Communities) Fund Funding for an eligible learner enrolled in a programme of study or training that is designed to, and continues to:
 - (i) target learners whose previous learning was not successful; or
 - (ii) raise foundation skills; or
 - (iii) strengthen social cohesion, by enhancing a learner's ability to participate in society and economic life.

- (b) You must not use ACE (Communities) Fund Funding to provide:
 - (i) programmes of study or training to a group or class of secondary school students, even if the programme is provided outside school hours; or
 - (ii) professional development courses for ACE teachers and tutors.

6. Funding priorities

- (a) If you are an ITP or wānanga, you must prioritise ACE (Communities) Fund Funding for provision that primarily focuses on:
 - (i) the learning of foundation skills; and
 - (ii) the re-engagement of learners whose previous learning was not successful; and
 - (iii) the progression of learners into formal tertiary education.
- (b) If you are a PTE, REAP, or community organisation, you must prioritise ACE (Communities) Fund Funding for provision that primarily focuses on:
 - (i) literacy, digital literacy, and/or numeracy; or
 - (ii) English language, including ESOL; or
 - (iii) New Zealand Sign Language; or
 - (iv) te reo Māori.

7. Your responsibilities

- (a) You must work with local organisations, peak bodies, groups and communities, including other TEOs that are involved in ACE provision, to identify and meet community learning needs.
- (b) You must design and provide ACE programmes of study or training that:
 - (i) if you are an ITP or wānanga, align with the priorities specified in paragraph 6(a); or
 - (ii) if you are a PTE, REAP, or a community organisation, align with the priorities specified in paragraph 6(b).
- (c) You must provide us with access to your premises, employees and information for the purposes of:
 - (i) inspecting the records that you keep; and
 - (ii) auditing your compliance with Conditions and requirements in the Education Act.

8. Fees

- (a) You must:
 - (i) ensure that the level of fees you set for ACE programmes of study or training is not expected to prevent individuals from enrolling in those programmes; and
 - (ii) charge the same fee to all learners participating in an ACE programme of study or training.
- (b) In relation to equipment, infrastructure and hardware:
 - (i) you must pay for the necessary equipment, infrastructure and hardware required to deliver a particular programme; and
 - (ii) when providing essential equipment (including computers, diving hardware, and chainsaws), you must not require a learner to meet the costs through the “course-related costs” component of the Student Loan Scheme as a condition of the learner’s enrolment.

- (c) For the purposes of this Condition, “equipment, infrastructure and hardware”:
 - (i) means items that can be used by successive intakes of learners; and
 - (ii) does not include personal items that are provided for individual learners’ use and that you do not retain for the next intake of learners.

9. Reports

- (a) If you are an ITP or wānanga, you must:
 - (i) supply to us information about each learner enrolled in ACE provision by completing the fields in the Single Data Return (SDR) and using the funding source code 23; and
 - (ii) submit the information on or before the date we specify.
- (b) If you are a PTE, REAP provider, or community organisation you must submit:
 - (i) a progress report for the period 1 January to 31 May no later than 10 working days after 31 May; and
 - (ii) a progress report for the period 1 January to 30 September no later than 8 working days after 30 September; and
 - (iii) a final report for the period 1 January to 31 December no later than 31 January of the following year.
- (c) Each progress report and the final report must:
 - (i) be completed and submitted in accordance with the template that we will provide to you; and
 - (ii) relate to the specific delivery commitments outlined in your Investment Plan.

10. Subcontracting

You must:

- (a) not subcontract any of the funded activities without our prior written consent; and
- (b) comply with any conditions imposed by us on a consent to subcontract; and
- (c) ensure that the subcontracted party does not further subcontract any functions; and
- (d) remain accountable to us for the use of the ACE (Communities) Fund Funding.

11. Repayment of ACE (Communities) Fund Funding

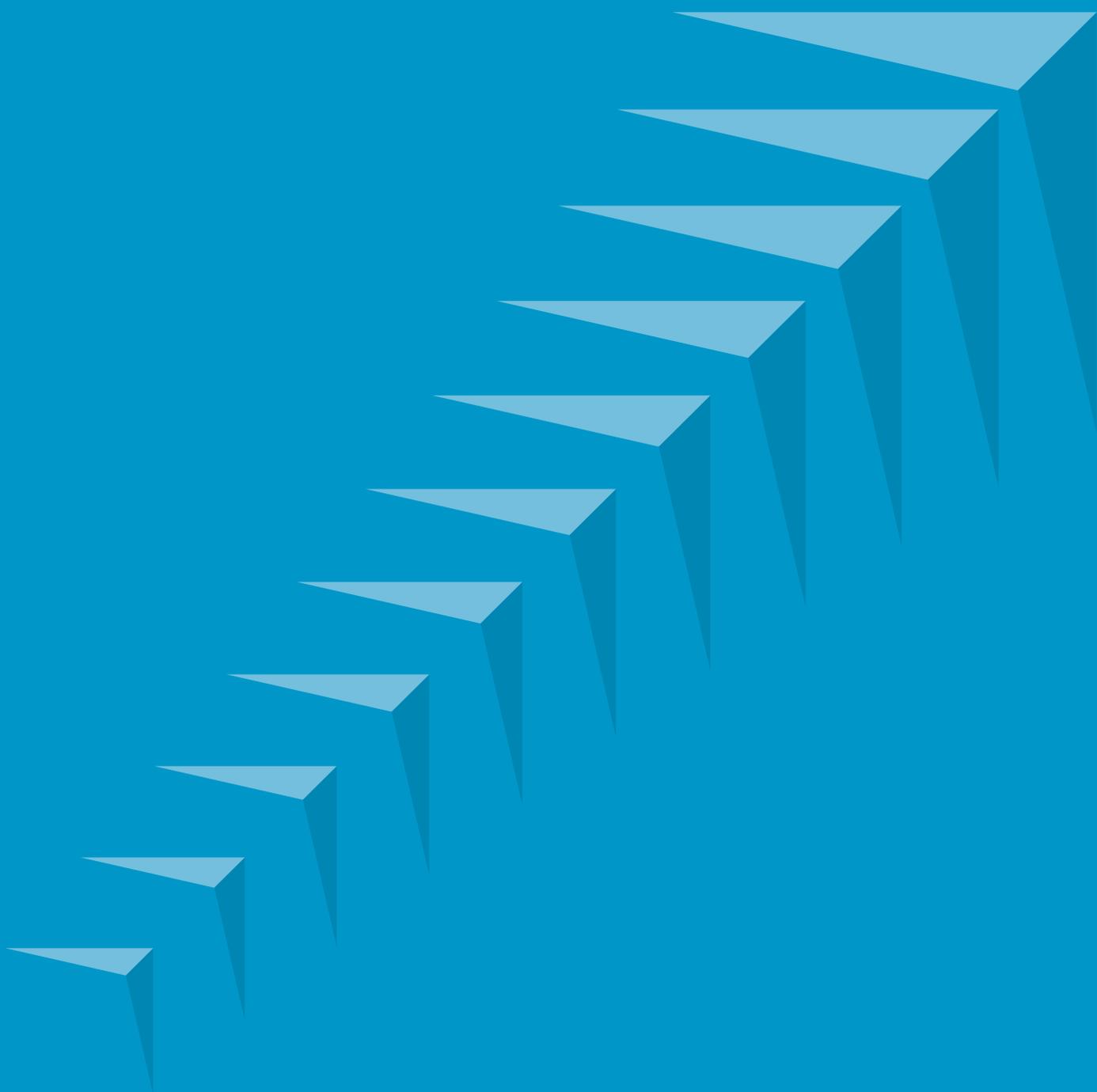
- (a) If you receive ACE (Communities) Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:
 - (i) is repayable on demand; and
 - (ii) may be set-off against all or any funding, or any sum of money payable by us to you.
- (b) An ITP, wānanga, PTE, REAP provider, or community organisation will have received funding that was greater than it should have been if it delivered less ACE provision than it was funded for. In that situation, we will recover the difference between the amount of provision delivered and the ACE (Communities) Fund Funding provided.

12. Suspension, revocation or withdrawal of ACE (Communities) Fund Funding

If we suspend, revoke or withdraw some or all of your ACE (Communities) Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as debt due to the Crown that is:

- (a) repayable on demand; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Adult and Community Education (Schools)



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Adult and Community Education (Schools)

Purpose of Fund

The purpose of the Adult and Community Education (ACE) Fund is to purchase provision that provides adults with community-based education, foundation skills, and pathways into other learning opportunities that meet community learning needs.

The following Conditions apply, under section 159YC of the Education Act 1989, to the ACE (Schools) Fund Funding that you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

- (a) You must continue to be a state or state-integrated school.
- (b) You must continue to be quality assured by the Education Review Office.

2. Learner eligibility

- (a) You must ensure that ACE (Schools) Fund Funding is only used in respect of a learner enrolled in an ACE programme who is, and continues to be:
 - (i) a Domestic Student; and
 - (ii) aged 16 years or over; and
 - (iii) not a full-time secondary school student.
- (b) However, you may use ACE (Schools) Fund Funding for a learner who is a Domestic Student but does not meet the criteria specified in subparagraph (a)(ii) or (a)(iii) if that learner is:
 - (i) under the age of 16 years and they participate with adults in family-based provision; or
 - (ii) a full-time secondary school student:
 - A. who is 16 years of age and over; and
 - B. who receives ACE (Schools) Fund-funded provision outside of normal school hours; and
 - C. who has obtained approval from the relevant school principal; and
 - D. for whom you have obtained our approval.

3. Verification of learner eligibility

- 3.1 You must verify that each learner enrolled in a programme of study or training meets the eligibility criteria as specified in Condition 2 by sighting the relevant documents specified below for the type of learner:

Type of learner	Verification methods
A New Zealand citizen	<p>You must:</p> <ol style="list-style-type: none"> a) confirm the learner’s citizenship status using the learner’s National Student Number (NSN); or b) receive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); or c) sight an original or certified copy of one or more of the following documents: <ol style="list-style-type: none"> i) a New Zealand birth certificate; or ii) a New Zealand passport; or iii) a New Zealand certificate of citizenship; or d) if a learner is unable to obtain a birth certificate for the purposes of (c)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none"> a) a passport with a current returning residency class visa (a passport with a visa label); or b) a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); or c) a certificate of identity from Immigration New Zealand if the learner is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none"> a) an Australian birth certificate issued before 20 August 1986; or b) an Australian passport; or c) a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>

You must follow the process set out in paragraph 3.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 3.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4. Verification of learner identity

- (a) You must verify the identity of each learner enrolled in a programme or programmes of study or training by doing one or more of the following, and assessing whether the learner is who they say they are by:
 - (i) confirming that all data fields match the student's NSN; or
 - (ii) receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - (iii) sighting the original or certified copy of a current passport; or
 - (iv) sighting the original or certified copy of one or more of the following documents:
 - A. a birth certificate; or
 - B. a certificate of identity; or
 - C. a New Zealand certificate of citizenship; or
 - D. an expired passport that has not been cancelled; or
 - E. a current New Zealand driver licence; or
 - F. a current New Zealand firearms licence; or
 - (v) if a learner is unable to obtain a birth certificate for the purposes of (a)(iv)(A) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of identity.

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- (b) For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
 - (i) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (ii) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5. Programme eligibility

- (a) You must only use ACE (Schools) Fund Funding for an eligible learner enrolled in a programme of study or training that is designed to, and continues to:
 - (i) target learners whose previous learning was not successful; or
 - (ii) raise foundation skills; or
 - (iii) strengthen social cohesion, by enhancing a learner's ability to participate in society and economic life.

- (b) You must not use ACE (Schools) Fund Funding to provide:
 - (i) programmes of study or training to a group or class of secondary school students, even if the programme is provided outside school hours; or
 - (ii) professional development courses for ACE teachers and tutors.

6. Funding priorities

You must prioritise:

- (a) learners with the highest need, and it is expected that at programme level, at least 50% of the learners enrolled in your ACE (Schools) Fund-funded provision will:
 - (i) identify as having English language needs; or
 - (ii) have low or no formal qualifications; or
 - (iii) identify as Māori or Pacific.
- (b) ACE (Schools) Fund Funding for provision that primarily focuses on:
 - (i) literacy, digital literacy, and/or numeracy; or
 - (ii) English language, including ESOL; or
 - (iii) New Zealand Sign Language; or
 - (iv) te reo Māori.

7. Your responsibilities

- (a) You must work with local organisations, peak bodies, groups, and communities, including other TEOs that are involved in ACE provision, to identify and meet community learning needs.
- (b) You must design and provide ACE programmes of study or training that align with the priorities in paragraphs 6(a) and (b).
- (c) You must provide us with access to your premises, employees and information for the purposes of:
 - (i) inspecting the records that you keep; and
 - (ii) auditing your compliance with Conditions and requirements in the Education Act.

8. Fees

- (a) You must:
 - (i) ensure that the level of fees you set for ACE programmes of study or training is not expected to prevent individuals from enrolling in those programmes; and
 - (ii) charge the same fee to all learners participating in an ACE programme of study or training.
- (b) In relation to equipment, infrastructure and hardware:
 - (i) you must pay for the necessary equipment, infrastructure and hardware required to deliver a particular programme; and
 - (ii) when providing essential equipment (including computers, diving hardware, and chainsaws), you must not require a learner to meet the costs through the “course-related costs” component of the Student Loan Scheme as a condition of the learner’s enrolment.
- (c) For the purposes of this Condition, “equipment, infrastructure and hardware”:
 - (i) means items that can be used by successive intakes of learners; and
 - (ii) does not include personal items that are provided for individual learners’ use and that you do not retain for the next intake of learners.

9. Reports

- (a) You must submit to us information on or before the date we specify.
- (b) You must submit to us:
 - (i) a progress report for the period 1 January to 31 May no later than 10 working days after 31 May; and
 - (ii) a progress report for the period 1 January to 30 September no later than 8 working days after 30 September; and
 - (iii) a final report for the period 1 January to 31 December no later than 31 January of the following year.
- (c) Each progress report and the final report must:
 - (i) be completed and submitted in accordance with the template that we will provide to you; and
 - (ii) relate to the specific delivery commitments outlined in your Investment Plan.

10. Subcontracting

You must:

- (a) not subcontract any of the funded activities without our prior written consent; and
- (b) comply with any conditions imposed by us on a consent to subcontract; and
- (c) ensure that the subcontracted party does not further subcontract any functions; and
- (d) remain accountable to us for the use of ACE (Schools) Fund Funding.

11. Repayment of ACE (Schools) Fund Funding

If you receive ACE (Schools) Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

A state school or state-integrated school will have received funding that was greater than it should have been if it delivered less ACE provision (calculated in enrolled hours) than it was funded for. In that situation, we will recover the difference between the amount of provision delivered and the ACE (Schools) Fund Funding provided. We will determine the amount of funding delivered using the hourly rate of \$7.40 (ex GST). For example:

A school had planned delivery of 9,800 hours and is funded for 9,800 hours x \$7.40 (\$72,520). If the school's enrolments were for 9,600 hours, being 200 hours less than planned, then we will recover 200 x \$7.40 (\$1,480).

12. Suspension, revocation or withdrawal of ACE (Schools) Fund Funding

If we suspend, revoke or withdraw some or all of your ACE (Schools) Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as debt due to the Crown that is:

- (a) repayable on demand; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Adult Literacy Educator Fund



Adult Literacy Educator Fund

Purpose of Fund

The purpose of funding literacy and numeracy provision is to:

- (a) raise adults' literacy and numeracy skills; and
- (b) increase opportunities for adults to engage in literacy and numeracy learning, particularly for those in low-skilled employment; and
- (c) improve the quality and relevance of provision, including the ability to identify learner need and learning gain.

The purpose of the Adult Literacy Educator (ALE) Fund is to build an effective literacy and numeracy teaching workforce by increasing the capability of educators and trainers to teach literacy and numeracy skills to adults. It does this by reducing fees for programmes of study or training that lead to literacy and numeracy educator qualifications at Level 5 on the New Zealand Qualifications Framework (NZQF).

The following Conditions apply, under section 159YC of the Education Act, to the Literacy and Numeracy Provision – Adult Literacy Educator Fund (ALE Fund) Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

- (a) You must continue to be:
 - (i) a tertiary education institution (TEI), namely:
 - A. a university; or
 - B. an institute of technology and polytechnic (ITP); or
 - C. a wānanga; or
 - (ii) a private training establishment (PTE).
- (b) You must continue to be quality assured by:
 - (i) the New Zealand Qualifications Authority (NZQA), if you are an ITP, PTE or wānanga; or
 - (ii) the New Zealand Vice-Chancellors' Committee (NZVCC), if you are a university.

2. Learner eligibility

2.1 You must ensure that ALE Fund Funding is only used in respect of a learner who meets and continues to meet the following criteria:

- (a) is a Domestic Student; and
- (b) is aged 18 years or over; and
- (c) has the academic ability to complete the programme of study or training that leads to an appropriate qualification.

3. Verification of learner eligibility

3.1 You must verify that each learner enrolled in a programme meets the eligibility criteria as specified in Condition 2 by sighting the relevant documents specified below for the type of learner:

Type of learner	Verification methods
A New Zealand citizen	<p>You must:</p> <ul style="list-style-type: none">a) confirm the learner’s citizenship status using the learner’s National Student Number (NSN); orb) receive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); orc) sight an original or certified copy of one or more of the following documents:<ul style="list-style-type: none">i) a New Zealand birth certificate; orii) a New Zealand passport; oriii) a New Zealand certificate of citizenship; ord) if a learner is unable to obtain a birth certificate for the purposes of (c)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none">a) a passport with a current returning residency class visa (a passport with a visa label); orb) a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); orc) a certificate of identity from Immigration New Zealand if the learner is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none">a) an Australian birth certificate issued before 20 August 1986; orb) an Australian passport; orc) a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>

You must follow the process set out in paragraph 3.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 3.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4. Verification of learner identity

- 4.1 You must verify the identity of each learner enrolled in a programme of study or training by doing one or more of the following:
- (a) confirming that all data fields match the learner's NSN; or
 - (b) receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - (c) sighting the original or certified copy of a current passport; or
 - (d) sighting the original or certified copy of one or more of the following documents:
 - (i) a birth certificate; or
 - (ii) a certificate of identity; or
 - (iii) a New Zealand certificate of citizenship; or
 - (iv) an expired passport that has not been cancelled; or
 - (v) a current New Zealand driver licence; or
 - (vi) a current New Zealand firearms licence.or
 - (e) If a learner is unable to obtain a birth certificate for the purposes of (d)(i) above, contacting us to confirm that a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of identity.

You must follow the process set out in paragraph 4.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 4.2 For the purposes of this Condition a certified copy is a photocopy or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority or a person authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister or solicitor of the High Court or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5. Programme eligibility

You must only use ALE Fund Funding for tuition fees top-ups for a programme of study or training if the programme leads to a literacy and numeracy educator qualification (or qualifications) at Level 5 on the NZQF.

6. Recognised prior learning

You must not seek ALE Fund Funding for recognised prior learning credited to a learner. To ensure that you are able to comply with this Condition, you must:

- (a) ask a learner to specify prior learning he or she has undertaken; and
- (b) review the information provided by the learner when admitting a learner into a programme or qualification; and
- (c) retain documents that confirm that the learner has demonstrated the required knowledge or skill.

Recognised prior learning does not include repeated learning or training that the applicable quality assurance body requires learners to repeat periodically.

7. Reports

You must submit:

- (a) a progress report for the period 1 January to 31 March no later than 10 working days after 31 March of that year; and
- (b) a progress report for the period 1 January to 31 July no later than 8 working days after 31 July of that year; and
- (c) a final report for the period 1 January to 31 December no later than 10 working days after 31 December.

Each report must be submitted in accordance with the template that we will provide to you and include all information requested.

8. Subcontracting

You must:

- (a) not subcontract any of the funded activities without our prior written consent; and
- (b) comply with any conditions imposed by us on a consent to subcontract; and
- (c) ensure that the subcontracted party does not further subcontract any functions; and
- (d) remain accountable to us for the use of the ALE Fund Funding.

9. Repayment of ALE Fund Funding

If you receive ALE Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

10. Suspension or revocation of ALE Fund Funding

If we suspend or revoke some or all of your ALE Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand by us; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Employer-led Workplace Literacy and Numeracy



Employer-led Workplace Literacy and Numeracy

Purpose of Fund

The purpose of funding literacy and numeracy provision is to:

- (a) raise adults' literacy and numeracy skills; and
- (b) increase opportunities for adults to engage in literacy and numeracy learning, particularly for those in low-skilled employment; and
- (c) improve the quality and relevance of provision, including the ability to identify learner need and learning gain.

The purposes of the Workplace Literacy and Numeracy (WLN) Fund are to:

- (a) increase the literacy and numeracy skills of employees; and
- (b) contribute to workplace productivity through the provision and evaluation of literacy and numeracy learning in a workplace context.

The purposes can be achieved by:

- (a) providing programmes of workplace literacy and numeracy training to employees; and
- (b) supporting workplaces to establish workplace literacy and numeracy provision.

The WLN Fund has two funding strands: the TEO-led strand and the Employer-led strand.

The following Conditions apply, under section 159ZD of the Education Act, to the Literacy and Numeracy Provision – Workplace Literacy and Numeracy Fund, Employer-led strand (EWLN Fund) Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

- (a) You must continue to be an employer that:
 - (i) is an organisation as defined by section 159B of the Education Act 1989; and
 - (ii) is a body corporate; and
 - (iii) delivers literacy, numeracy, or literacy and numeracy, provision:
 - A. to a minimum of 20 of its employees; or
 - B. to a minimum of 20 employees as part of a consortium arrangement with other employers.
- (b) You must for the length of the Funding Period:
 - (i) have in place an effective assessment process for identifying each learner's initial literacy and numeracy needs and measuring their progress, using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool.¹

¹ Including Adult, Youth, Te Ata Hāpara and Starting Points, as appropriate.

2. Learner eligibility

2.1 You must ensure that EWLN Fund Funding is only used for a learner who:

- (a) is a Domestic Student; and
- (b) has low skill levels in literacy, numeracy, or literacy and numeracy, as determined by us; and
- (c) is in the paid workforce; and
- (d) is not:
 - (i) enrolled as a full-time student at a tertiary education organisation (TEO); or
 - (ii) enrolled as a full-time secondary student; or
 - (iii) accessing TEC-funded literacy, numeracy, or literacy and numeracy, provision at another TEO or workplace; or
 - (iv) enrolled in an industry training programme at Level 4 or above on the New Zealand Qualifications Framework (NZQF); or
 - (v) enrolled in a New Zealand Apprenticeship.

2.2 For the purposes of this Condition, a learner is considered to have a low skill level in literacy, numeracy, or literacy and numeracy if the learner:

- (a) has fewer than 80 credits on the NZQF (or equivalent); or
- (b) has more than 80 credits on the NZQF (or equivalent), and the learner has fewer than 12 credits in literacy and/or numeracy in unit standards and/or achievement standards (or equivalent); or
- (c) is assessed using the Literacy and Numeracy for Adults Assessment Tool and presents at Step 3 or below on the Learning Progressions for reading, and/or Step 4 or below on the Learning Progressions for numeracy.

2.3 You must ensure that, for the length of the Funding Period, the learner continues to meet the eligibility criteria (except the criterion in 2.1(b) above).

3. Verification of learner eligibility

3.1 You must verify that each learner enrolled in a programme of study or training meets the eligibility criteria as specified in Condition 2.1 by sighting the relevant documents specified below for the type of learner:

Type of learner	Verification methods
A New Zealand citizen	<p>You must:</p> <ol style="list-style-type: none"> confirm the learner’s citizenship status using the learner’s National Student Number (NSN); or receive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); or if the learner is in prison at the time of enrolment, receive a completed and signed Department of Corrections “Verification of legal name and residency status” form relating to the learner; or sight an original or certified copy of one or more of the following documents: <ol style="list-style-type: none"> a New Zealand birth certificate; or a New Zealand passport; or a New Zealand certificate of citizenship; or if a learner is unable to obtain a birth certificate for the purposes of (d)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none"> a passport with a current returning residency class visa (a passport with a visa label); or a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); or a certificate of identity from Immigration New Zealand if the learner is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none"> an Australian birth certificate issued before 20 August 1986; or an Australian passport; or a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>
Other types of valid domestic enrolments	<p>You must ensure that a learner is an exchange student taking part in a New Zealand Government-approved exchange programme at a TEO.</p>

You must follow the process set out in paragraph 3.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 3.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as the Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4. Verification of learner identity

- 4.1 You must verify the identity of each learner enrolled in a programme of study or training by doing one or more of the following, and confirm whether the learner is who they say they are:
- (a) confirming that all data fields match the learner's NSN; or
 - (b) receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - (c) sighting the original or certified copy of a current passport; or
 - (d) sighting the original or certified copy of one or more of the following documents:
 - (i) a birth certificate; or
 - (ii) a certificate of identity; or
 - (iii) a New Zealand certificate of citizenship; or
 - (iv) an expired passport that has not been cancelled; or
 - (v) a current New Zealand driver licence; or
 - (vi) a current New Zealand firearms licence; or
 - (e) if a learner is unable to obtain a birth certificate for the purposes of (d)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of identity.

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 4.2 For the purposes of this Condition a certified copy is a photocopy or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as the Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court, or a Court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5. Programme eligibility

- (a) You must only use EWLN Fund Funding for a programme of workplace training that for the length of the Funding Period:
 - (i) provides literacy, numeracy, or literacy and numeracy, training that is specific, rather than embedded within the programme; and
 - (ii) provides high-quality literacy, numeracy, or literacy and numeracy, study or training that represents value for money; and
 - (iii) is effective and innovative in improving each learner's workplace literacy, numeracy, or literacy and numeracy, skills, to meaningfully engage in the workplace and New Zealand society; and
 - (iv) is able to be tailored to meet the needs of an individual learner; and
 - (v) has adequate processes for reporting on a learner's progress in improving literacy, numeracy, or literacy and numeracy skills; and
 - (vi) is provided by a tutor who holds an appropriate qualification as determined by us.
- (b) In addition to the requirements in paragraph (a), you must only use EWLN Fund Funding for a programme of workplace training if the programme:
 - (i) provides high-quality literacy, numeracy, or literacy and numeracy study or training, that is tailored to the needs of the workplace; and
 - (ii) contributes to the development of sustainable employee literacy and numeracy practices within the workplace; and
 - (iii) has targeted literacy, numeracy, or literacy and numeracy, outcomes that reflect the priorities and needs of the workplace; and
 - (iv) has the support of the employer's senior management.

6. Hours and intensity of delivery

- (a) The total hours of literacy, numeracy, or literacy and numeracy tuition you deliver per learner must be between 25 and 80 hours.
- (b) The literacy, numeracy, or literacy and numeracy, tuition you provide must be delivered at the intensity of 40 hours over a 10- to 40-week period.

7. Fees

You must not charge a fee to a learner who is participating in a programme of workplace training for which you receive EWLN Fund Funding.

8. Reports and information

- (a) You must immediately notify us if you will expect that you will not meet the deliverables specified in Appendix 1 of your Funding Confirmation Letter by the specified deliverables due date.
- (b) You must submit progress reports and a final report at the times specified by us.
- (c) Each progress report and the final report must:
 - (i) be submitted in accordance with the template that we will provide to you; and
 - (ii) relate to the specific milestones outlined in your Funding Confirmation letter; and
 - (iii) include the following information:
 - A. the number of learners enrolled in each EWLN programme of study or training; and

- B. learner enrolment information, including:
 - (a) the NSN; and
 - (b) tuition hours delivered (actual attendance); and
 - (c) remaining tuition hours planned (if any); and
 - (d) demographic information; and
 - (e) regional information; and
 - (f) literacy and numeracy information; and
 - (g) the enrolment start and finish dates for each learner enrolled in each EWLN programme of study or training during the period covered by the report; and
 - C. the name of the business in which the learner is employed.
- (d) You must complete the attestation tab before submitting the report.
 - (e) The first progress report must also describe the progress made in implementing the programme, commenting specifically on:
 - (i) how participation of learners is tracking; and
 - (ii) any challenges you have had to date; and
 - (iii) progress made using the Literacy and Numeracy for Adults Assessment Tool (or Starting Points described in the Tool, if applicable); and
 - (iv) any changes made to the programme design and/or delivery approach, in response to the above (e)(i) – (iii); and
 - (v) reporting of personal outcomes for employees; and
 - (vi) any change to the productivity problems you highlighted in your programme application which literacy and numeracy training could address including changes to employee practices and other metrics; and
 - (vii) any other changes that show the strengthening of a sustainable organisational learning culture, including any career development, due to the literacy and numeracy training.
 - (f) The final report must describe:
 - (i) participation of learners; and
 - (ii) successes and challenges; and
 - (iii) reporting of personal outcomes for learners; and
 - (iv) any change to the productivity problems you highlighted in your programme application which literacy and numeracy training could address including changes to employee practices and other metrics; and
 - (v) how any other business outcomes and performance measures have been enhanced; and
 - (vi) measurement of employees' literacy and numeracy using the Literacy and Numeracy for Adults Assessment Tool (or Starting Points described in the Tool, if applicable) pre- and post-training intervention; and
 - (vii) how the programme has promoted and encouraged participation in workplace literacy and numeracy training among learners with low levels of literacy and/or numeracy skills; and
 - (viii) any other changes that show the strengthening of a sustainable organisational learning culture, including any career development, due to the literacy and numeracy training.
 - (g) The final report must provide a Literacy and Numeracy for Adults Assessment Tool Gain report. This includes both the box and whisker reports and the associated table of statistics.

9. Repayment of EWLN Fund Funding

- 9.1 If you receive EWLN Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:
- (a) is repayable on demand; and
 - (b) may be set-off against all or any funding, or any sum of money payable by us to you.
- 9.2 For the purposes of this Condition, we will determine whether you have received EWLN Fund Funding that was greater than it should have been by analysing the information provided to us in your final report.

We will develop the details of our funding recovery through discussions with you.

10. Suspension, revocation or withdrawal of EWLN Fund Funding

If we suspend, revoke or withdraw some or all of your EWLN Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as debt due to the Crown that:

- (a) is repayable on demand by us; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

11. Subcontracting

11.1 You must not subcontract the provision of a programme of workplace training to another TEO unless:

- (a) you receive our written consent prior to subcontracting; and
- (b) you comply with any conditions imposed by us on giving consent to subcontract; and
- (c) you ensure that the subcontracted TEO has in place an effective assessment process for identifying each learner's initial literacy and numeracy needs, and measuring their progress, using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool.²

11.2 For the purposes of this Condition, we have given our written consent for you to subcontract a programme of workplace training to the TEO specified in clause 15 of your completed EWLN application form.

² Including Adult, Youth, Te Ata Hāpara and Starting Points, as appropriate.

Equity Fund



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Equity Fund

Purpose of Fund

- (a) The purpose of equity funding for Māori and Pacific students is to improve participation in and achievement at the higher levels of the tertiary education system (Level 5 and above on the New Zealand Qualifications Framework (NZQF)).
- (b) The purpose of equity funding for students with disabilities is to improve participation in tertiary education and achievement of qualifications.

The following Conditions apply, under section 159YC of the Education Act, to the Equity Fund Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

Māori and Pacific students

1.1 To receive Equity Fund Funding for Māori and Pacific students, you must continue to:

- (a) be one of the following:
 - (i) a tertiary education institution (TEI), namely:
 - A. a university;
 - B. an institute of technology and polytechnic (ITP);
 - C. a wānanga; or
 - (ii) a private training establishment (PTE); or
 - (iii) a Rural Education Activities Programme (REAP) provider; and
- (b) receive SAC 3+ funding under the Determination of Design of Funding Mechanism: Student Achievement Component – provision at Level 3 and above on the NZQF.

Students with disabilities

1.2 To receive Equity Fund Funding for students with disabilities, you must continue to:

- (a) be a TEI, namely:
 - (i) a university;
 - (ii) an ITP; or
 - (iii) a wānanga; and
- (b) receive SAC funding under any Determination of Design of Funding Mechanism for SAC.

1.3 For the purposes of paragraph 1.2(b), “SAC funding under any Determination of Design of Funding Mechanism for SAC” includes funding under:

- (a) Determination of Design of Funding Mechanism: Student Achievement Component – provision at Levels 1 and 2 on the NZQF; or
- (b) Determination of Design of Funding Mechanism: Student Achievement Component – provision at Level 3 and above on the NZQF.

2. Use of Equity Fund Funding

You must not use the Equity Fund Funding for:

- (a) funding capital works or items; or
- (b) funding your compliance with statutory requirements, such as health and safety.

3. Performance expectation measures in relation to Māori and Pacific students

You must supply to us any information that we require to measure your performance against any minimum performance standards set by us.

4. Reporting requirements in respect of students with disabilities

- 4.1 You must comply with any reporting requirements we require in relation to Equity Fund Funding for students with disabilities, using the reporting template that we will provide to you.
- 4.2 You must submit the report for the period 1 January to 31 December no later than 31 March of the following year.

5. Supply of information

You must:

- (a) supply to us information about each Māori student, Pacific student and student with disabilities enrolled in a course for whom you receive Equity Fund Funding, by completing the fields in the Single Data Return (SDR) in accordance with the SDR Manual and its appendices; and
- (b) submit the information through the SDR on or before the date specified by us; and
- (c) submit the SDR through the Services for Tertiary Education Organisations (STEO) website.

For more information, please refer to the SDR Manual and SDR Appendices.

6. Repayment of Equity Fund Funding

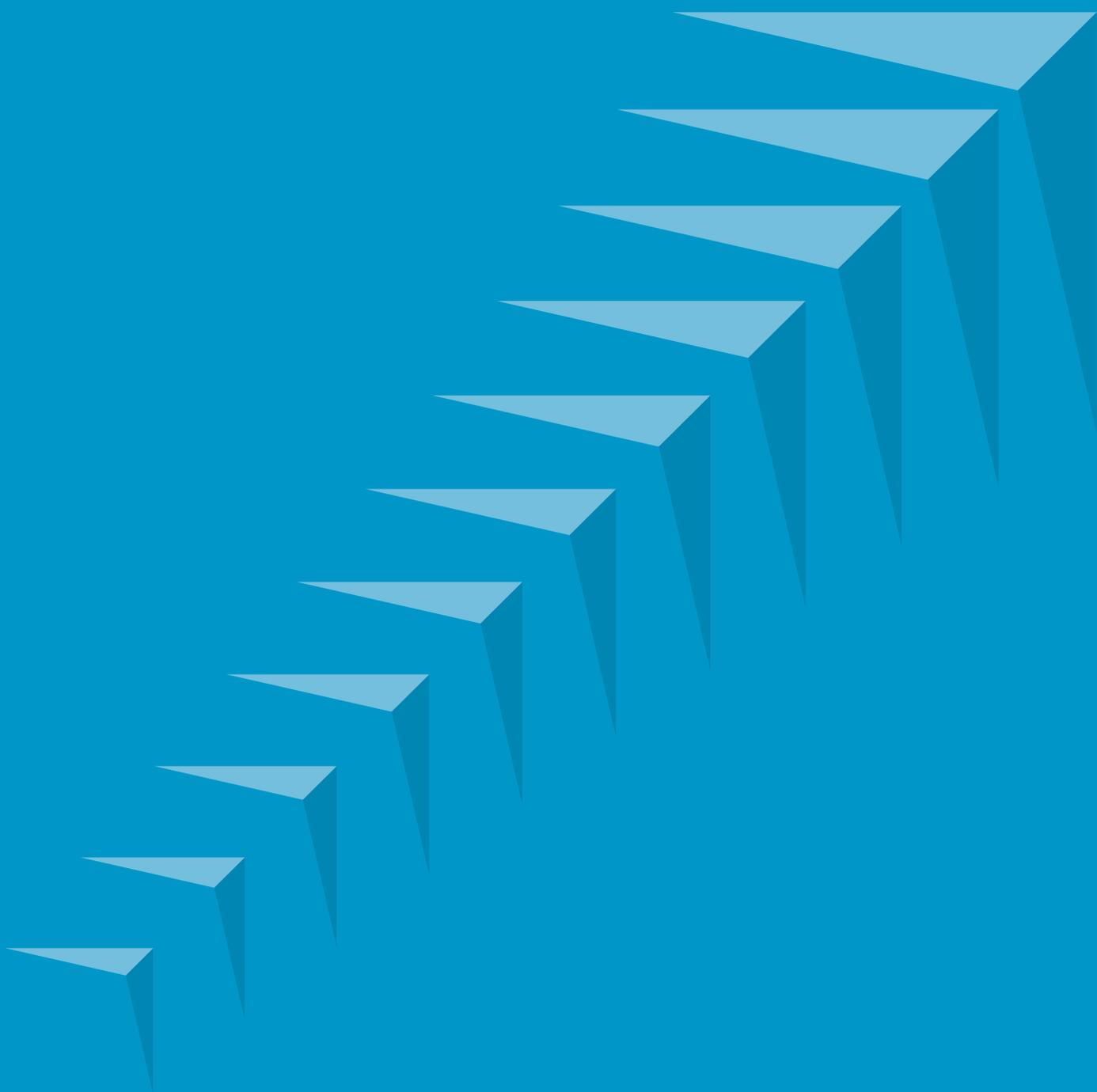
- (a) If you receive Equity Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:
 - (i) is repayable on demand; and
 - (ii) may be set-off against all or any funding, or any sum of money payable by us to you.

7. Suspension, revocation or withdrawal of Equity Fund Funding

If we suspend, revoke or withdraw some or all of your Equity Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand by us; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Gateway



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Gateway

Purpose of Fund

Gateway provision enables New Zealand secondary schools (state, state-integrated, or partnership school kura hourua) to give senior students opportunities to access quality structured workplace learning that is integrated with school-based learning.

Students have their learning assessed in the workplace. Students can achieve credits towards qualifications on the New Zealand Qualifications Framework (NZQF) or towards the National Certificate of Educational Achievement (NCEA) which may align to one or more Vocational Pathways.

The following Conditions apply, under section 159ZD of the Education Act, to the Gateway Fund Funding that you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

You must continue to be:

- (a) a state, state-integrated, or partnership school kura hourua New Zealand secondary school; and
- (b) quality assured by the Education Review Office.

2. Student eligibility

You must ensure that each student who is enrolled in a Gateway programme of study or training meets and continues to meet the eligibility criteria for being an eligible student. An “eligible student” is a student who is:

- (a) a Domestic Student; and
- (b) enrolled at a state, state-integrated, or partnership school kura hourua New Zealand secondary school; and
- (c) year 11 or above.

3. Programme eligibility

You must ensure that the Gateway programme of study or training in which an eligible student is enrolled meets and continues to meet the eligibility criteria for eligible programmes. An “eligible programme” is a programme which:

- (a) has credits that contribute to the award of the NCEA and/or a qualification on the NZQF;
- (b) allows each eligible student to participate in structured workplace learning, including the assessment and recognition of that learning in the form of credits (towards the NCEA and/or a qualification on the NZQF); and
- (c) integrates workplace learning with each eligible student’s wider course of study.

4. Your responsibilities

You must:

- (a) only use Gateway Fund Funding to support eligible students undertaking Gateway programmes; and
- (b) not use Gateway Fund Funding to fund:
 - (i) the cost of school space; nor
 - (ii) school office or administrative services other than services specifically for Gateway provision; and
- (c) not charge a tuition fee, or course or equipment costs to an eligible student in Gateway for his or her programme of study or training; and
- (d) ensure that each eligible student has the equipment necessary for his or her work placement, including tools, equipment, safety clothing and tuition material; and
- (e) comply with all administrative requirements specified by us, including reporting requirements specified in the TEC Gateway Handbook; and
- (f) take all reasonable and practicable steps to ensure that each eligible student will be safe in his or her work placement; and
- (g) monitor the safety of each eligible student in his or her work placement; and
- (h) ensure that each employer is aware of its employer obligations and that the workplace is appropriate for structured workplace learning; and
- (i) ensure that each eligible student is aware of his or her obligations as an employee; and
- (j) meet minimum performance standards specified by us.

5. Access to and supply of information

You must:

- (a) provide us with access to your premises, employees, and information for the purposes of:
 - (i) inspecting the records that you must keep; and
 - (ii) auditing your compliance of the Conditions and requirements in the Education Act; and
- (b) supply to us information about each eligible student in accordance with the reporting requirements specified in the TEC Gateway Handbook available on our website; and
- (c) ensure that each eligible student's credit achievement information is submitted to the New Zealand Qualifications Authority.

6. Repayment of Gateway Fund Funding

If you receive Gateway Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

Industry Training Fund



Industry Training Fund

Purpose of Fund

The purpose of the Industry Training Fund is to:

- (a) subsidise formal, structured employment-based training linked to qualifications, predominantly at Levels 1 to 4 on the New Zealand Qualifications Framework (NZQF); and
- (b) encourage structured training by supporting training organisations and organisations participating in the ITF direct funding scheme in their management of on- and off-job training.

Funding from the Industry Training Fund can also be applied to industry training-related projects.

Entities described as “training organisations” within these Conditions include:

- (a) industry training organisations (ITOs) to carry out their activities under the Industry Training and Apprenticeships Act 1992 (unless and until they are recognised as Transitional ITOs under clause 43 of Schedule 1 of the Education (Vocational Education and Training Reform) Amendment Bill (the Bill));
- (b) transitional ITOs to carry out their activities under the Bill (see Part 9 of Schedule 1 of the Bill);
- (c) providers (as defined in proposed new section 477 inserted by clause 65 of the Bill) to whom responsibility is transferred for the purposes of the elements of the transition plan referred to in clause 51(a)(ii) of Schedule 1 of the Bill);
- (d) providers of education and training for the purposes of training contracts (see the definition of “training contract” inserted into section 159(1) of the Education Act 1989 by clause 7(8) of the Bill);
- (e) providers carrying out apprenticeship training activities under proposed Subpart 2 of Part 34 inserted by clause 65 of the Bill.

References in these Conditions to an entity above involving the Bill only take effect if and when the Bill is passed as an Act of Parliament and comes into force. References to provisions within the Bill are taken from the introduction version of the Bill and, if the Bill is passed, each reference should be read as the corresponding provision in the Education Act.

Flexible funding

- (a) We will allocate you Industry Training Fund Funding that is additional to that specified in your Funding Confirmation Letter if:
 - (i) you are a “qualifying tertiary education organisation (TEO)”, which means you:
 - A. have a New Zealand Qualifications Authority (NZQA) External Evaluation and Review (EER) rating of Category 1 or 2; and
 - B. have a credit achievement rate of 70% or higher for New Zealand Apprenticeships in the calendar year; and
 - (ii) the value of provision you actually deliver after off-sets as measured in dollars (as determined by us) is greater than the value of your approved funding allocation.
- (b) The additional funding available to be allocated is up to the following limits, either:
 - (i) 2% of your approved funding allocation for New Zealand Apprenticeships for a year; or
 - (ii) 10 standard training measures (STMs) for New Zealand Apprenticeships, whichever is greater.

- (c) We may establish criteria to allocate funding above the additional funding limits described in (b) if we have assessed that we have sufficient funding available to provide funding above those limits.

The following Conditions apply, under section 159YC of the Education Act 1989, to the Industry Training Fund Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

1.1 Eligibility for Industry Training Fund Funding (excluding ITF direct funding scheme)

This Condition applies to you if:

- (a) you receive Industry Training Fund Funding; and
- (b) you are not funded through the ITF direct funding scheme.

You must, for the length of the Funding Period, continue to be a training organisation fully or provisionally recognised by the Minister of Education under the Industry Training and Apprenticeships Act 1992 or the Education Act.

1.2 Eligibility for ITF direct funding scheme

This Condition applies to you if you receive Industry Training Fund Funding through the ITF direct funding scheme.

You must, for the length of the Funding Period, continue to:

- (a) be one of the following:
 - (i) an employer; or
 - (ii) a group of employers or industry associations that are part of a consortium arrangement; and
- (b) have at least 40 industry trainees each year who:
 - (i) are actively training towards one or more of the qualifications and programmes set out in Condition 4.1(a)(i) to (vi); and
 - (ii) meet specified industry trainee criteria set out in Condition 2.1.

2. Learner eligibility

2.1 Industry trainee eligibility

You must ensure that Industry Training Fund Funding is only used in respect of an industry trainee who is, and continues to be, for the length of the Funding Period:

- (a) one of the following:
 - (i) an employee who is employed and working in New Zealand and has a training agreement with their employer; or
 - (ii) a self-employed contractor working in New Zealand under an arrangement with an organisation in the nature of employment, who has a training agreement with that organisation; or
 - (iii) a person volunteering in New Zealand under an arrangement with an organisation in the nature of employment, who has a training agreement with that organisation, and where we have granted permission for the person volunteering to access funded training; and
- (b) 16 years of age or over (unless the industry trainee has an early leaving exemption certificate from the Ministry of Education).

2.2 Apprentice eligibility

You must ensure that Industry Training Fund Funding is only used in respect of an apprentice enrolled in a New Zealand Apprenticeship who is, and continues to be, for the length of the Funding Period:

- (a) one of the following:
 - (i) an employee who is employed and working in New Zealand and has a training agreement with their employer; or
 - (ii) a self-employed contractor working in New Zealand under an arrangement with an organisation in the nature of employment, who has a training agreement with that organisation; or
 - (iii) a person volunteering in New Zealand under an arrangement with an organisation in the nature of employment, who has a training agreement with that organisation, and where we have granted permission for the person volunteering to access funded training; and
- (b) 16 years of age or over (unless the apprentice has an early leaving exemption certificate from the Ministry of Education); and
- (c) employed in the occupation for which the apprentice is training; and
- (d) supported by a training plan agreed by the apprentice, the employer and the organisation arranging the training, throughout the New Zealand Apprenticeship programme; and
- (e) enrolled in a New Zealand Apprenticeship as specified in Condition 4.1(a)(vi).

3. Verification of identity

- (a) You must verify the identity of each industry trainee and apprentice enrolled in a programme of training by doing one or more of the following:
 - (i) confirming that all data fields match the industry trainee's or apprentice's national student number (NSN); or
 - (ii) receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - (iii) sighting the original or certified copy of the industry trainee's or apprentice's current passport; or
 - (iv) sighting the original or certified copy of one of the following documents:
 - A. a birth certificate (issued after 1 January 1998); or
 - B. a certificate of identity; or
 - C. a New Zealand certificate of citizenship; or
 - D. an expired passport that has not been cancelled; or
 - E. a current New Zealand driver licence; or
 - F. a current New Zealand Firearms Licence.

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- (b) If an industry trainee or apprentice is unable to obtain a birth certificate for the purposes of (a)(iv) (A) above, you may contact us to confirm that a whakapapa statement signed by both the industry trainee or apprentice and a kaumātua is acceptable evidence of identity.

- (c) For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
 - (i) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (ii) have the official's signature on each page, with the name and title of the official shown clearly below their signature.

4. Programme eligibility

4.1 Eligible programmes of study and training

You must only use Industry Training Fund Funding for a programme of study or training if the programme:

- (a) is, and continues to be, for the length of the Funding Period one of the following:
 - (i) a programme of training leading to a National or New Zealand Certificate; or
 - (ii) a programme of training leading to a National or New Zealand Diploma; or
 - (iii) a Limited Credit Programme that:
 - A. is designed to encourage entry into a full qualification; and
 - B. has a minimum of 20 credits and a maximum of 70 credits; and
 - C. is composed of skill standards drawn from a programme that leads to a qualification for which you have funding approval from us; and
 - D. meets any other criteria as specified by us; or
 - (iv) a Supplementary Credit Programme that:
 - A. is designed to provide post-qualification skill development; and
 - B. has a minimum of 20 credits and a maximum of 70 credits; and
 - C. is composed of skill standards drawn from a programme that leads to a qualification for which you have funding approval from us; or
 - (v) a TEC-approved training arrangement or micro-credential that:
 - A. is between 5 and 40 credits; and
 - B. is composed of skill standards for which you have consent to assess; and
 - C. has been adequately quality assured as per any criteria we set; or
 - (vi) a TEC-approved New Zealand Apprenticeship programme that:
 - A. meets any criteria we set to ensure that the programme is focused on level 4 outcomes on the NZQF, and leads to either:
 - (aa) a qualification at level 4 on the NZQF that has a minimum of 120 credits and, if approved by us, additional qualifications at level 3 or 4 on the NZQF; or
 - (bb) multiple qualifications that together have at least 120 credits, provided those qualifications are at level 3 and 4 on the NZQF, and at least 60 credits are at level 4 on the NZQF; and
 - B. provides an entry point into an occupation to set a person up for a career in an industry; and
 - C. meets any regulatory requirements for entry into an occupation; and

- D. contains a strong theoretical component to support further learning, as well as a practical element; and
 - E. is directly related to the intended career; and
- (b) continues to include a majority of on-job training; and
 - (c) continues to meet any quality assurance requirements of NZQA; and
 - (d) if the programme leads to a qualification at Level 1, 2, or 3 on the NZQF, includes embedded literacy and numeracy; and
 - (e) does not include learning that can be defined as:
 - (i) a programme designed primarily to equip a participant with the skills and knowledge they need to carry out a given task or function in a manner that complies with a specific health and safety or regulatory compliance requirement; or
 - (ii) learning that displaces the responsibility of employers to provide training necessary to mitigate health and safety, and legal risks; and
 - (f) is not a programme:
 - (i) that contains health and safety and regulatory compliance learning; and
 - (ii) where it is likely that most enrolments will lead only to the completion of the health and safety or regulatory compliance components, rather than the whole qualification.

4.2 Limit on training above Level 4 on the NZQF

You must not spend more than 10% of the funding from the Industry Training Fund you have received for training above Level 4 on the NZQF, unless you have approval from us.

4.3 Literacy and Numeracy for Adults Assessment Tool

You must use the Literacy and Numeracy for Adults Assessment Tool to identify the literacy and numeracy needs of each industry trainee and apprentice for whom Industry Training Fund Funding is provided and measure the industry trainee's progress, as required by us.

5. Provision of industry training

If you are an ITO or transitional ITO, you must not:

- (a) deliver training yourself; and
- (b) have any ownership stake in, or be a beneficiary of, or hold an interest (financial or otherwise) in an organisation with which you arrange to deliver training.

6. Charging of fees

- (a) If we have advised you that a trainee is eligible for fees-free tertiary education provision and that we will pay you an amount in respect of fees on behalf of the trainee or employer, you must not charge the trainee or the trainee's employer that amount, in respect of those fees.
- (b) For the purposes of this Condition, and Condition 8.3, "fees" are defined as fees for training and assessment, including fees paid:
 - (i) to you;
 - (ii) directly to training and assessment providers; and
 - (iii) as part of fees charged by group training schemes.

7. Recognised prior learning

You must not claim Industry Training Fund Funding for recognised prior learning credited to an industry trainee or apprentice.

To ensure that you are able to comply with this Condition, you must:

- (a) ask each industry trainee or apprentice to specify all prior learning they have undertaken;
- (b) review the information provided by the industry trainee or apprentice when admitting them into a programme or qualification; and
- (c) retain documents that confirm that the industry trainee or apprentice has demonstrated the required knowledge or skill.

For the avoidance of doubt, the limit on Funding of recognised prior learning does not apply to repeated learning undertaken because a quality assurance body requires an industry trainee or apprentice to repeat training periodically.

8. Supply and use of information

8.1 Industry Training Register

You must:

- (a) supply to us information about each industry trainee and apprentice enrolled in a programme or qualification by completing the fields in the ITR; and
- (b) submit the information through the ITR on or before the date which is 90 days after the training commenced; and
- (c) ensure that each industry trainee who is volunteering is identified as a volunteer through the ITR.

For more information about using the ITR, please refer to the [ITR User Guide](#) or the [ITR schema definition document](#).

8.2 Information relating to priority groups

If we notify you that we require information relating to activities that support priority groups (such as Māori or Pacific industry trainees or apprentices), you must supply the requested information to us.

8.3 Fees-free tertiary education initiative

If you offer fees-free tertiary education eligible training programmes, you must:

- (a) in 2020, work collaboratively with us to give effect to the fees-free tertiary education initiative within industry training;
- (b) advise us of the total applicable amount charged to eligible learners and their employers for training and assessment in the eligible training programmes;
- (c) provide information that we require, to enable us to assess the eligibility of learners for fees-free tertiary education provision;
- (d) provide us with information we require in relation to fees; and
- (e) comply with any requirements established by us to enable us to understand the STM consumption of industry training by eligible learners in relation to fees.

8.4 Employment outcomes of tertiary education

You must consent, in writing, for the purposes of [section 37A\(a\) of the Statistics Act 1975](#), to Statistics New Zealand disclosing information to the Ministry of Education from its Integrated Data Infrastructure that identifies you.

You acknowledge:

- (a) that the Statistics Act 1975 does not constrain the ongoing use or sharing of the training organisation-level data once it is disclosed, and your individual confidentiality may not be maintained; and
- (b) this Condition is to enable education agencies to work with training organisations on the analysis of employment outcomes information and the design of suitable indicators.

9. Records

9.1 Industry trainees

This Condition applies to you if you receive Industry Training Fund Funding for industry trainees.

You must keep a record of evidence that each industry trainee has a formal training agreement with their employer that is intended to lead to the achievement of one or more of the qualifications or programmes set out in Condition 4.1(a)(i) to (v).

9.2 Apprentices

This Condition applies to you if you receive Industry Training Fund Funding for apprentices.

You must keep:

- (a) a record of evidence that each apprentice has a formal training agreement with their employer that is intended to lead to the achievement of one or more of the qualifications or programmes set out in Condition 4.1(a)(vi); and
- (b) a permanent record of evidence that each apprentice has completed their apprenticeship.

10. Subcontracting

You must:

- (a) not subcontract your functions without our written consent; and
- (b) comply with any conditions we impose on a consent; and
- (c) ensure that the subcontracted party does not further subcontract any of your functions.

11. Financial contribution

You must ensure that each employer of industry trainees or apprentices who are enrolled with you makes a financial contribution towards the cost of each industry trainee's or apprentice's training and assessment, noting that there may be some specific circumstances where the full financial costs of training and assessment for a trainee could be met by the financial contribution from the Industry Training Fund and the fees-free tertiary education initiative.

12. Minimum performance standards

You must meet any minimum performance standards that we set. In particular, you must ensure that at least 80% of industry trainees and apprentices achieve at least 10 credits where their enrolments were eligible for funding for four months or more in the calendar year.

13. Limit on credits

You must not apply Industry Training Fund Funding for more than 75 nominal credits in a calendar year in relation to any industry trainee or apprentice who you have enrolled.

14. Codes of practice for New Zealand Apprenticeships

If you receive Industry Training Fund Funding for a learner who is an apprentice, you must ensure, as far as reasonably practicable, that the New Zealand Apprenticeship activities, and every training plan for a New Zealand Apprenticeship, are consistent with the Code of Good Practice for New Zealand Apprenticeships issued by the Minister under the Industry Training and Apprenticeships Act 1992 or the Education Act.

15. Repayment

- (a) If you receive funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:
 - (i) is repayable on demand; and
 - (ii) may be set-off against all or any funding, or any sum payable by us to you.

Definition of “funding that is greater than it should have been”

- (b) The extent to which you will have received funding from the Industry Training Fund that was greater than it should have been must be calculated by applying paragraphs (i) to (v) in the order that they appear:
 - (i) if you do not arrange delivery of training during the Funding Period up to the dollar value for which you have been funded (in that situation, we will separately recover funding for industry trainees, and apprentices, based on the rates of funding that apply); and
 - (ii) if the actual average duration of a programme of training exceeds the nominal duration of a programme (over-duration) to the extent of the over-duration; and
 - (iii) if an individual industry trainee or apprentice has been enrolled in more than 10 nominal credits in any calendar month (monthly over-enrolment), to the extent of the annual over-enrolment; and
 - (iv) if an individual industry trainee or apprentice has been enrolled in more than 75 nominal credits over the calendar year (annual over-enrolment); and
 - (v) if less than 80% of the industry trainees and apprentices achieve the minimum of 10 credits where their enrolments were eligible for funding for four months or more in the calendar year (under-achievement), we will deduct funding for each percentage point below 80% up to a maximum of 5.0% of the net funding.

For information about the calculation of “over-duration”, “over-enrolment” and “under-achievement”, refer to the methodology for calculating STMs and off-sets.

16. Suspension, revocation or withdrawal of Industry Training Fund Funding

If we suspend, revoke or withdraw some or all of your Industry Training Fund Funding under section 159YG of the Education Act before some or all of that Funding has been used or contractually committed towards the purposes for which the Funding was provided, you must treat the unexpended or uncommitted portion of the Funding as debt due to the Crown that is:

- (a) repayable on demand; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Intensive Literacy and Numeracy Fund

Purpose of Fund

The purpose of funding literacy and numeracy provision is to:

- (a) raise adults' literacy and numeracy skills; and
- (b) increase opportunities for adults to engage in literacy and numeracy learning, particularly for those in low-skilled employment; and
- (c) improve the quality and relevance of provision, including the ability to identify learner need and learning gain.

The purpose of the Intensive Literacy and Numeracy (ILN) Fund is to fund tertiary education organisations (TEOs) for the intensive provision of high-quality literacy and numeracy learning opportunities within an appropriately structured environment.

The following Conditions apply, under section 159YC of the Education Act, to the Literacy and Numeracy Provision – Intensive Literacy and Numeracy Fund (ILN Fund) Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

- (a) You must continue to be:
 - (i) a tertiary education institution (TEI), namely:
 - A. a university;
 - B. an institute of technology and polytechnic (ITP);
 - C. a wānanga; or
 - (ii) a private training establishment (PTE); or
 - (iii) a state or state-integrated school.
- (b) You must, for the length of the Funding Period:
 - (i) have in place an effective assessment process for identifying each learner's initial literacy and numeracy needs and measuring their progress, using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool¹; and
 - (ii) be able to offer an eligible programme of intensive literacy and numeracy provision as set out in paragraph 5; and
 - (iii) have adequate processes in place for reporting improvements of a learner's literacy and numeracy skills; and
 - (iv) be quality assured by:
 - A. the New Zealand Qualifications Authority (NZQA), if you are an ITP, PTE or wānanga; or
 - B. the New Zealand Vice-Chancellors' Committee (NZVCC), if you are a university; or
 - C. the Education Review Office (ERO), if you are a state or state-integrated school.

1 Including Adult, Youth, Te Ata Hāpara and Starting Points, as appropriate.

2. Learner eligibility

- 2.1 You must ensure that ILN Fund Funding is only used in respect of a learner who:
- (a) is, and continues to be, a Domestic Student; and
 - (b) has low skill levels in literacy, numeracy, or literacy and numeracy, as determined by us.
- 2.2 For the purposes of this Condition, a learner is considered to have a low skill level of literacy, numeracy, or literacy and numeracy if a learner:
- (a) has fewer than 80 credits on the New Zealand Qualifications Framework (NZQF) (or equivalent); or
 - (b) has more than 80 credits on the NZQF (or equivalent), and the learner has fewer than 12 credits in literacy and/or numeracy in unit standards and/or achievement standards (or equivalent); or
 - (c) is assessed using the Literacy and Numeracy for Adults Assessment Tool and presents at Step 1 or 2 on the Learning Progressions for reading and/or numeracy.

3. Verification of learner eligibility

- 3.1 You must verify that each learner enrolled in a programme of study or training meets the eligibility criteria as specified in Condition 2.1 by sighting the relevant documents specified below for the type of learner:

Type of learner	Verification methods
A New Zealand citizen	<p>You must:</p> <ul style="list-style-type: none">a) confirm the learner’s citizenship status using the learner’s National Student Number (NSN); orb) receive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); orc) sight an original or certified copy of one or more of the following documents:<ul style="list-style-type: none">i) a New Zealand birth certificate; orii) a New Zealand passport; oriii) a New Zealand certificate of citizenship; ord) if a learner is unable to obtain a birth certificate for the purposes of (c)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none">a) a passport with a current returning residency class visa (a passport with a visa label); orb) a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); orc) a certificate of identity from Immigration New Zealand if the learner is a refugee.

Type of learner	Verification methods
An Australian citizen or Australian permanent resident currently residing in New Zealand	You must sight an original or certified copy of one or more of the following documents: a) an Australian birth certificate issued before 20 August 1986; or b) an Australian passport; or c) a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.

You must follow the process set out in paragraph 3.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 3.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4. Verification of learner identity

- 4.1. You must verify the identity of each learner enrolled in a programme or programmes of study or training by doing one or more of the following, and assessing whether the learner is who they say they are by:
- confirming that all data fields match the student's NSN; or
 - receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - sighting the original or certified copy of a current passport; or
 - sighting the original or certified copy of one or more of the following documents:
 - a birth certificate; or
 - a certificate of identity; or
 - a New Zealand certificate of citizenship; or
 - an expired passport that has not been cancelled; or
 - a current New Zealand driver licence; or
 - a current New Zealand firearms licence.
- or

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- (e) If a learner is unable to obtain a birth certificate for the purposes of (d)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the student and a kaumātua is acceptable evidence of identity.

4.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:

- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
- (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5. Programme eligibility

You must only use ILN Fund Funding for a programme of study or training that, for the length of the Funding Period:

- (a) provides literacy, numeracy, or literacy and numeracy, study or training that is specific, rather than embedded within the programme; and
- (b) provides high-quality literacy, numeracy, or literacy and numeracy, study or training, that represents value for money; and
- (c) enables each learner to use literacy, numeracy, or literacy and numeracy skills to meaningfully engage in New Zealand society; and
- (d) is effective in improving each learner's literacy, numeracy, or literacy and numeracy, skills; and
- (e) has measurable literacy, numeracy, or literacy and numeracy, outcomes; and
- (f) is flexible and able to be tailored to meet the needs of an individual adult learner; and
- (g) is provided by a tutor who holds an appropriate qualification as determined by us.

6. Hours and intensity of delivery

- (a) The total hours of literacy, numeracy, or literacy and numeracy tuition you deliver per learner must be between 80 and 300 hours.
- (b) The literacy, numeracy, or literacy and numeracy tuition you provide must be delivered at the intensity of 5 to 20 hours per week.

7. Fees

You must not charge a fee to a learner who is participating in a programme of study or training for which you receive ILN Fund Funding.

8. Reports

8.1 You must submit:

- (a) a progress report for the period 1 January to 31 May no later than 10 working days after 31 May; and
- (b) a progress report for the period 1 January to 30 September no later than 8 working days after 30 September; and
- (c) a final report for the period 1 January to 31 December no later than 31 January of the following year.

8.2 Each progress report and the final report must:

- (a) be submitted in accordance with the template that we will provide to you; and
- (b) relate to the specific delivery commitments outlined in your Investment Plan; and
- (c) include the following information:
 - (i) the number of learners enrolled in each ILN programme of study or training; and
 - (ii) learner enrolment information, including:
 - A. the NSN; and
 - B. tuition hours delivered (actual attendance); and
 - C. remaining tuition hours planned (if any); and
 - D. demographic information; and
 - E. regional information; and
 - F. literacy and numeracy information; and
 - G. the enrolment start and finish dates for each learner enrolled in each ILN programme of study or training during the period covered by the report.

9. Subcontracting

You must:

- (a) not subcontract any of the funded activities without our prior written consent; and
- (b) comply with any conditions imposed by us on a consent to subcontract; and
- (c) ensure that the subcontracted party does not further subcontract any functions; and
- (d) remain accountable to us for the use of the ILN Fund Funding.

10. Repayment of ILN Fund Funding

If you receive ILN Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

For the purposes of this Condition, we will determine whether you have received ILN Fund Funding that was greater than it should have been by subtracting the total number of tuition hours delivered in the calendar year (based on actual attendance) from the hours approved in Appendix 1 of your Funding Confirmation Letter.

For example:

5,000 hours approved

4,683 hours delivered

Therefore 5,000 – 4,683 = 317 hours under-delivered

317 hours x \$25.45 = \$8,067.65

\$8,067.65 to be recovered

11. Suspension, revocation or withdrawal of ILN Fund Funding

If we suspend, revoke or withdraw some or all of your ILN Fund Funding under section 159YG of the Education Act before some or all of that Funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand by us; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Intensive Literacy and Numeracy – English for Speakers of Other Languages



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Intensive Literacy and Numeracy – English for Speakers of Other Languages

Purpose of Fund

The purpose of Specialised English for Speakers of Other Languages (ILN ESOL) funds is to:

- (a) increase opportunities for adults to engage in literacy and numeracy learning, particularly migrants and refugees; and
- (b) raise adults' literacy and numeracy skills to help learners progress onto further study and employment; and
- (c) improve the quality and relevance of provision, including the ability to identify learner need and learning gain.

The purpose of the Specialised English for Speakers of Other Languages – Intensive Literacy and Numeracy ESOL (ILN ESOL) Fund is to fund the intensive provision of ESOL learning opportunities within an appropriately structured environment.

The following Conditions apply, under section 159YC of the Education Act, to the ILN ESOL Fund Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

You must:

- (a) continue to be:
 - (i) a tertiary education institution (TEI), namely:
 - A. a university;
 - B. an institute of technology and polytechnic (ITP);
 - C. a wānanga; or
 - (ii) a private training establishment (PTE);
 - (iii) a Rural Education Activities Programme (REAP) provider;
 - (iv) a community organisation; or
 - (v) a state or state-integrated school; and
- (b) have demonstrated expertise in delivering ILN ESOL to adult refugees and migrants; and
- (c) be quality assured by:
 - (i) the New Zealand Qualifications Authority (NZQA), if you are an ITP, PTE or wānanga; or
 - (ii) the New Zealand Vice-Chancellors' Committee (NZVCC), if you are a university; or
 - (iii) the Education Review Office, if you are a state or state-integrated school.

2. Learner eligibility

- (a) You must ensure that ILN ESOL Fund Funding is only used in respect of a learner who:
 - (i) is and continues to be one of the following:
 - A. a refugee, being a refugee, protected person or people sponsored by a refugee or protected person, and includes:
 - (a) the 30 Afghan interpreters who worked for the New Zealand-led Provisional Reconstruction team in Afghanistan and their dependants who were granted residency; and
 - (b) those persons who have been recognised as a refugee or protected person in accordance with Part 5 of the Immigration Act 2009, and whose application for residence is being processed; or
 - B. a migrant; or
 - C. a person for whom English is their second language; and
 - (ii) is a Domestic Student; and
 - (iii) meets the following criteria:
 - A. is 16 years of age or over; and
 - B. has low English language and/or literacy skills.
- (b) For the purposes of this Condition, a learner is considered to have a low skill level of literacy, numeracy, or literacy and numeracy:
 - (i) if the learner has fewer than 80 credits on the New Zealand Qualifications Framework (NZQF) (or equivalent); or
 - (ii) if the learner has more than 80 credits on the NZQF (or equivalent), and the learner has fewer than 12 credits in literacy and/or numeracy in unit standards and/or achievement standards (or equivalent); or
 - (iii) if the learner is assessed using the Literacy and Numeracy for Adults Assessment Tool and presents below Step 1 in reading on the Learning Progressions; or
 - (iv) if the learner is assessed using Starting Points and presents at the equivalent of below Step 1 in reading on the Learning Progressions.
- (c) You must only allow a learner to re-enrol in a programme funded through the ILN ESOL Fund for a period of up to 5 years in total.

3. Verification of learner eligibility

3.1 You must verify that each learner enrolled in a programme meets the eligibility criteria as specified in Condition 2 by sighting the relevant documents specified below for the type of learner:

Type of learner	Verification methods
A New Zealand citizen	<p>You must:</p> <ul style="list-style-type: none">a) confirm the learner’s citizenship status using the learner’s National Student Number (NSN); orb) receive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); orc) sight an original or certified copy of one or more of the following documents:<ul style="list-style-type: none">i) a New Zealand birth certificate; orii) a New Zealand passport; oriii) a New Zealand certificate of citizenship; ord) if a learner is unable to obtain a birth certificate for the purposes of (c)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none">a) a passport with a current returning residency class visa (a passport with a visa label); orb) a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); orc) a certificate of identity from Immigration New Zealand if the learner is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none">a) an Australian birth certificate issued before 20 August 1986; orb) an Australian passport; orc) a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>

You must follow the process set out in paragraph 3.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 3.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4. Verification of learner identity

- 4.1. You must verify the identity of each learner enrolled in a programme or programmes of study or training by doing one or more of the following, and assessing whether the learner is who they say they are:
- (a) confirming that all data fields match the learner's NSN; or
 - (b) receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - (c) sighting the original or certified copy of a current passport; or
 - (d) sighting the original or certified copy of one or more of the following documents:
 - (i) a birth certificate; or
 - (ii) a certificate of identity; or
 - (iii) a New Zealand certificate of citizenship; or
 - (iv) an expired passport that has not been cancelled; or
 - (v) a current New Zealand driver licence; or
 - (vi) a current New Zealand firearms licence; or
 - (e) If a learner is unable to obtain a birth certificate for the purposes of (d)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the student and a kaumātua is acceptable evidence of identity.

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 4.2. For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority or a person authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5. Programme eligibility

You must only use ILN ESOL Fund Funding for a programme of study or training that is and continues to:

- (a) have English language and literacy outcomes; and
- (b) be taught by appropriately qualified and experienced ESOL educators; and
- (c) be flexible and tailored to respond to the particular needs of adult learners (for example, provision may be delivered at off-peak times for those in employment).

For the purposes of this Condition, an appropriately qualified and experienced educator is a person who:

- (a) has a specific qualification relating to teaching adults literacy and numeracy; and
- (b) has experience in teaching literacy and numeracy.

6. Literacy and Numeracy for Adults Assessment Tool

You must have in place an effective assessment process for identifying a learner's initial literacy and numeracy needs. You must also measure their progress, using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool¹.

7. Hours and intensity of delivery

- (a) The total hours of ESOL tuition you deliver per learner must be between 20 and 500 hours per year.
- (b) The ESOL tuition you provide must be delivered at the intensity of 5 to 40 hours per week.

8. Fees

You must not charge a fee to a learner who is participating in an eligible programme for which you receive ILN ESOL Fund Funding.

9. Withdrawals

You must report the Withdrawal of learners to the Ministry of Social Development within 5 working days of that Withdrawal.

10. Reports

You must submit:

- (a) a progress report for the period 1 January to 31 May no later than 10 working days after 31 May;
- (b) a progress report for the period 1 January to 30 September no later than 8 working days after 30 September; and
- (c) a final report for the period 1 January to 31 December no later than 31 January of the following year.
- (d) Each progress report and the final report must:
 - (i) be submitted in accordance with the template that we provide you; and
 - (ii) relate to the specific outcomes outlined in your Investment Plan; and
 - (iii) include the following information:
 - A. the number of learners enrolled in each programme of study or training; and
 - B. learner enrolment information, including:
 - (a) the NSN; and
 - (b) tuition hours delivered (actual attendance); and
 - (c) remaining tuition hours planned (if any); and
 - (d) demographic information; and
 - (e) regional information; and
 - (f) literacy and numeracy information; and
 - (g) the enrolment start and finish dates for each learner enrolled in each ILN ESOL programme of study or training during the period covered by the report.

¹ Including Adult, Youth, Te Ata Hāpara and Starting Points, as appropriate.

11. Subcontracting

You must not subcontract the delivery of ESOL provision funded from the ILN ESOL Fund.

12. Repayment of ILN ESOL Fund Funding

If you receive ILN ESOL Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

For the purposes of this Condition, we will determine whether you have received funding that was greater than it should have been by subtracting the total number of tuition hours delivered in the calendar year (based on actual attendance) from the hours allocated to you in Appendix 1.

For example:

6,000 hours allocated

5,897 hours delivered

Therefore, 6,000 – 5,897 = 103 hours under-delivered

103 hours x \$19.09 = \$1,966.27

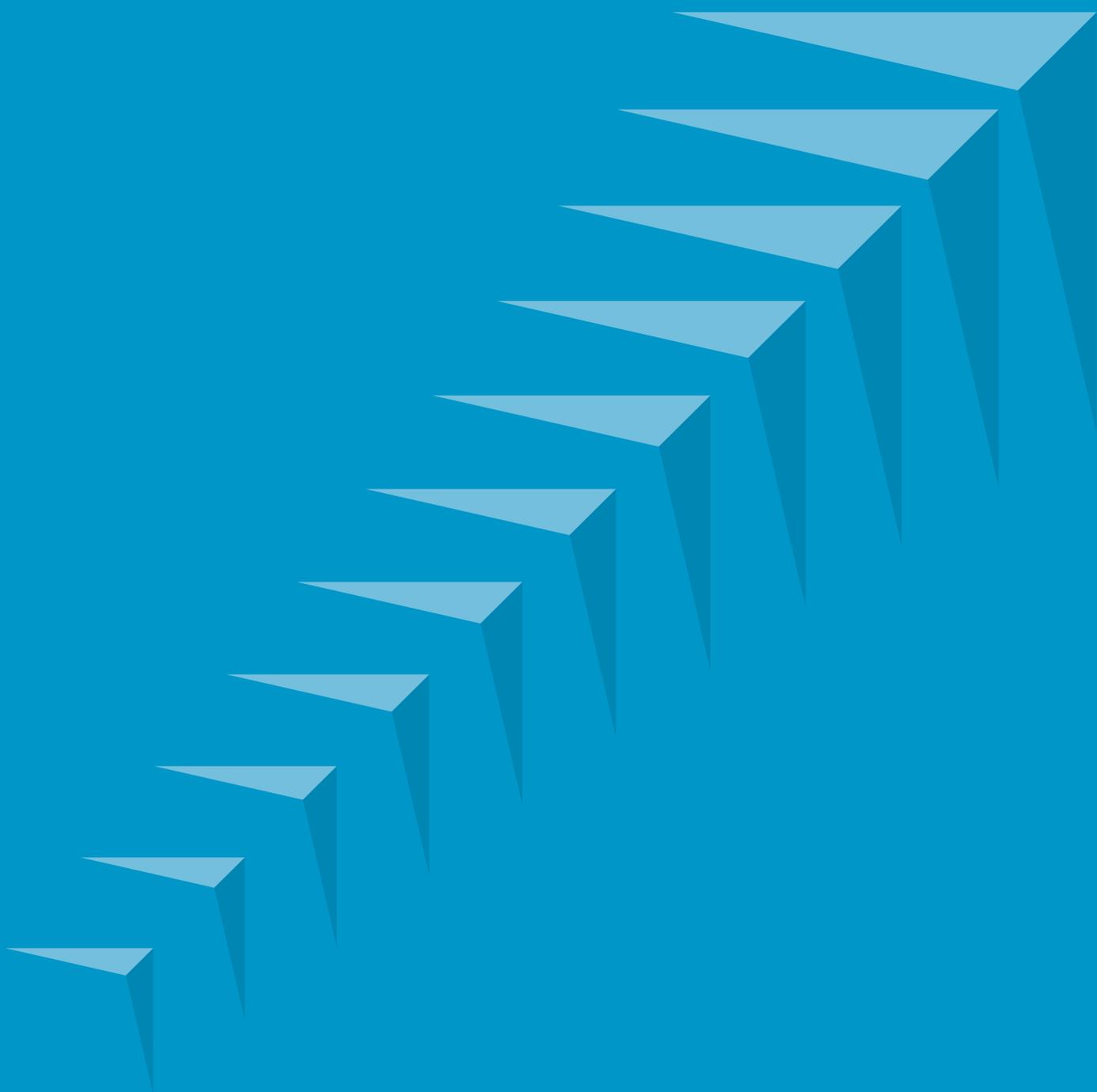
\$1,966.27 to be recovered

13. Suspension, revocation or withdrawal of ILN ESOL Fund Funding

If we suspend, revoke or withdraw some or all of your ILN ESOL Fund Funding under section 159YG of the Education Act before some or all of that Funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Intensive Literacy and Numeracy – Refugee English



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Intensive Literacy and Numeracy – Refugee English

Purpose of Fund

The purpose of Specialised English for Speakers of Other Languages (ESOL) funds is to:

- (a) increase opportunities for adults to engage in literacy and numeracy learning, particularly migrants and refugees; and
- (b) raise adults' literacy and numeracy skills to help learners progress onto further study and employment; and
- (c) improve the quality and relevance of provision, including the ability to identify learner needs and learning gain.

The purpose of the Intensive Literacy and Numeracy – Refugee English (ILN Refugee English) Fund is to support refugees to reach a level of English that will allow them to enter employment, or undertake their choice of vocational or degree-level education, through providing fees-free access to programmes leading to an ESOL qualification.

The following Conditions apply, under section 159YC of the Education Act, to the ILN Refugee English Fund Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

You must:

- (a) continue to be:
 - (i) a tertiary education institution (TEI), namely:
 - A. a university; or
 - B. an institute of technology and polytechnic (ITP); or
 - C. a wānanga; or
 - (ii) a private training establishment (PTE); and
- (b) have experience in educating refugees; and
- (c) continue to be quality assured by:
 - (i) the New Zealand Qualifications Authority (NZQA), if you are an ITP, PTE or wānanga; or
 - (ii) the New Zealand Vice-Chancellors' Committee (NZVCC), if you are a university.

2. Learner eligibility

- (a) You must ensure that ILN Refugee English Fund Funding is only used in respect of a learner who is and continues to be:
 - (i) a Domestic Student; and
 - (ii) a refugee, protected person, or person sponsored by a refugee or protected person, which includes:
 - A. the 30 Afghan interpreters who worked for the New Zealand-led Provisional Reconstruction team in Afghanistan and their dependants who were granted residency; and
 - B. those persons who have been recognised as a refugee or protected person in accordance with Part 5 of the Immigration Act 2009, and whose application for residence is being processed.
- (b) You must only allow a learner to re-enrol in a programme funded through the ILN Refugee English Fund for a period of up to 3 years in total.
- (c) You must not claim ILN Refugee English Fund Funding for prior learning¹ credited to a learner. To ensure that you are able to comply with this Condition, you must:
 - (i) ask each learner to specify prior learning they have undertaken; and
 - (ii) before admitting each learner into an ILN Refugee English Fund-funded programme of study or training, review that information as it relates to each learner; and
 - (iii) retain documents that confirm that the learner has demonstrated the required knowledge or skill.

¹ For the avoidance of doubt, recognised prior learning does not include repeated learning or training that the applicable quality assurance body requires learners to repeat periodically.

3. Verification of learner eligibility

3.1 You must verify that each learner enrolled in a programme meets the eligibility criteria as specified in Condition 2 by sighting the relevant documents specified below for the type of learner:

Type of learner	Verification methods
A New Zealand citizen	<p>You must:</p> <ul style="list-style-type: none">(a) confirm the learner’s citizenship status using the learner’s National Student Number (NSN); or(b) receive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); or(c) sight an original or certified copy of one or more of the following documents:<ul style="list-style-type: none">(i) a New Zealand birth certificate; or(ii) a New Zealand passport; or(iii) a New Zealand certificate of citizenship; or(d) if a learner is unable to obtain a birth certificate for the purposes of (c)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none">(a) a passport with a current returning residency class visa (a passport with a visa label); or(b) a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); or(c) a certificate of identity from Immigration New Zealand if the learner is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none">(a) an Australian birth certificate issued before 20 August 1986; or(b) an Australian passport; or(c) a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>

You must follow the process set out in paragraph 3.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 3.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4. Verification of learner identity

- (a) You must verify the identity of each learner enrolled in a programme or programmes of study or training by doing one or more of the following, and assessing whether the learner is who they say they are:
 - (i) confirming that all data fields match the student's NSN; or
 - (ii) receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - (iii) sighting the original or certified copy of a current passport; or
 - (iv) sighting the original or certified copy of one or more of the following documents:
 - A. a birth certificate; or
 - B. a certificate of identity; or
 - C. a New Zealand certificate of citizenship; or
 - D. an expired passport that has not been cancelled; or
 - E. a current New Zealand driver licence; or
 - F. a current New Zealand firearms licence; or

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- (b) If a learner is unable to obtain a birth certificate for the purposes of (a)(iv)(A) above, you must contact us to confirm that a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of identity.
- (c) For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
 - (i) be certified by an official of the issuing authority or a person authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, a court official (Court Registrar or Deputy Registrar), and
 - (ii) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5. Programme eligibility

You must only use ILN Refugee English Fund Funding for a course that, is and continues to:

- (a) be one of the following:
 - (i) part of a programme that:
 - A. leads to the award of a qualification at Level 3 to 10 on the New Zealand Qualifications Framework (NZQF); and
 - B. has been quality assured by either NZQA or the NZVCC (where appropriate); or
 - (ii) part of a training scheme that:
 - A. leads to an award that is not a qualification listed on the NZQF; and
 - B. has been quality assured; and
- (b) lead to the award of an ESOL certificate or diploma at Level 3 and above on the NZQF.

6. Fees

You must not charge a fee to a learner who is participating in an eligible programme for which you receive ILN Refugee English Fund Funding.

7. Withdrawals

You must report the Withdrawal of students to the Ministry of Social Development within 5 working days of that Withdrawal. This is to enable student loans and student allowances to be cancelled as soon as possible.

8. Reports

- (a) You must submit a report for the period 1 January to 31 December no later than 31 January of the following year.
- (b) The report must be submitted in accordance with the template provided and must:
 - (i) relate to the specific outcomes in your Investment Plan; and
 - (ii) include the following information:
 - A. the number of learners enrolled in each programme of study or training; and
 - B. learner enrolment information including:
 - a. the NSN; and
 - b. number of equivalent full-time students (EFTS) delivered; and
 - c. ethnicity; and
 - d. tuition fees charged (if any); and
 - e. qualification enrolment details (including the start and finish dates, and qualification name for the enrolment) of each learner enrolled during the period covered by the report; and
 - C. the number of learner places delivered; and
 - D. the NSN and details of any learners not already reported in the progress reports; and
 - E. a summary of the learner demographics; and
 - F. the regions in which you delivered the provision; and
 - G. a declaration that confirms that you have monitored each learner's progress; and you have met your performance commitments.

9. Subcontracting

You must not subcontract the delivery of a programme of study or training funded from the ILN Refugee English Fund Funding.

10. Repayment of ILN Refugee English Fund Funding

If you receive ILN Refugee English Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

For the purposes of this Condition, we will determine whether you have received funding that was greater than it should have been if you do not deliver all of the places specified in your Investment Plan. This means that if you do not deliver the agreed number of places in your plan, then we will recover all funding associated with those undelivered places.

11. Suspension, revocation or withdrawal of ILN Refugee English Fund Funding

If we suspend, revoke or withdraw some or all of your ILN Refugee English Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand by us; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Māori and Pasifika Trades Training (Fees Top-ups and Brokerage Services)



Māori and Pasifika Trades Training (Fees Top-ups and Brokerage Services)

Purpose of Fund

The purpose of the Māori and Pasifika Trades Training (MPTT) Fund is to support Māori and Pacific learners aged 16 to 40 years of age (inclusive) to enter and achieve in pre-trades training and progress to sustainable trades or trades-related employment, including New Zealand Apprenticeships, other successful industry training programmes at Level 3 and above on the New Zealand Qualification Framework (NZQF), and managed apprenticeships. Progression to further provider-based vocational training at Level 4 or above on the NZQF that has strong employment outcomes is also a positive outcome.

Entities described as “training organisations” within these conditions include:

- (a) industry training organisations (ITOs) to carry out their activities under the Industry Training and Apprenticeships Act 1992 (unless and until they are recognised as Transitional ITOs under clause 43 of Schedule 1 of the Education (Vocational Education and Training Reform) Amendment Bill (the Bill));
- (b) transitional ITOs to carry out their activities under the Bill (see Part 9 of Schedule 1 of the Bill);
- (c) providers (as defined in proposed new section 477 inserted by clause 65 of the Bill) to whom responsibility is transferred for the purposes of the elements of the transition plan referred to in clause 51(a)(ii) of Schedule 1 of the Bill);
- (d) providers of education and training for the purposes of training contracts (see the definition of “training contract” inserted into section 159(1) of the Education Act 1989 by clause 7(8) of the Bill);
- (e) providers carrying out apprenticeship training activities under proposed Subpart 2 of Part 34 inserted by clause 65 of the Bill.

References in these conditions to an entity above involving the Education (Vocational Education and Training Reform) Amendment Bill only take effect if and when the Bill is passed as an Act of Parliament and comes into force. References to provisions within the Bill are taken from the introduction version of the Bill and, if the Bill is passed, each reference should be read as the corresponding provision in the Education Act.

Funding through the MPTT Fund is for:

- (a) Fees Top-ups (MPTT Fees Top-ups) to make Student Achievement Component (SAC)-funded programmes of pre-trades training fees-free to MPTT learners; and
- (b) brokerage services (MPTT Brokerage Services) to:
 - (i) match learner talents and aspirations with employer skill requirements and career pathways; and
 - (ii) tailor pre-employment trades educational provision to the needs and aspirations of MPTT learners, communities and potential employers; and
 - (iii) facilitate relationships between MPTT learners, providers, training organisations and potential employers; and
 - (iv) transition learners into sustainable employment; and
- (c) consortium funding consists of funding to increase access of teaching for Māori and Pacific learners and improve pre-employment trades training (including robust work preparation and learner support) to align this training more closely to the needs of employers and of Māori and Pacific communities.

The Government contribution towards the costs of teaching and learning services is funded through SAC. An organisation delivering trades training under the MPTT initiative must meet the teaching and learning costs through its existing approved SAC allocation funded as part of its Investment Plan. If an organisation does not receive SAC funding, it must have an agreement with an organisation that has a SAC allocation that is approved by us.

Funding for MPTT Fees Top-ups

We will provide MPTT Fees Top-ups funding calculated at the rate of \$4,000 per EFTS¹ for programmes and training schemes at Level 3 or Level 4 on the NZQF, and \$0 for programmes and training schemes at Level 1 or 2 on the NZQF.²

We will pay you the Funding of the MPTT Fees Top-ups in monthly instalments as outlined in your payment schedule.

Funding for MPTT Brokerage Services

- (a) Funding for Brokerage Services is calculated at a rate of \$1,150 per individual learner up to the total number of learners agreed by us, and at the brokerage rate applicable at the time the learner enrolled. This amount is only allocated once in respect of the same individual learner.

We will pay 50% of the Funding for MPTT Brokerage Services in monthly instalments as outlined in your payment schedule.

50% of the Brokerage Services funding rate is reserved for the payment of a performance incentive that is payable on the basis of sufficient evidence of individual learners achieving a successful outcome, in accordance with subparagraph (b), from a programme supported by MPTT within 18 months of the learner ceasing to be enrolled in the programme.

- (b) The outcomes that result in the payment of the performance incentive are:
- (i) entry into a New Zealand Apprenticeship; or
 - (ii) entry to industry training at Level 3 or higher on the NZQF, or to a managed apprenticeship in a programme identified by us as being likely to lead to sustainable employment.
- (c) For the purposes of these Conditions, a “managed apprenticeship” is a SAC-funded programme that is:
- (i) intended to lead to a qualification at Level 4 or higher on the NZQF of 120 credits or more; and
 - (ii) arranged by an ITP, a wānanga or a PTE (that is, the provider arranges the delivery and assessment of training and in some cases provides pastoral care); and
 - (iii) dependent on a formal training relationship between the provider, a learner and an employer of the learner.

The following Conditions apply, under section 159ZD of the Education Act 1989, on the MPTT Fund Funding you receive for MPTT Fees Top-ups and MPTT Brokerage Services for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1 One (1.0) EFTS unit is defined as the student workload that would normally be carried out by a student enrolled full-time in a single academic calendar year.

2 All Level 1 and 2 SAC funding provision is fees-free for eligible learners.

1. Organisation eligibility

- (a) To be eligible to receive MPTT Fund Funding for MPTT Fees Top-ups and Brokerage Services you must remain part of the same approved consortium or consortia, where applicable, for the length of the Funding Period, except as agreed by us, for the purpose of continuing to support enrolled learners.
- (b) If we cease to fund the consortium or consortia you are part of, through MPTT, then Fees Top-ups and Brokerage Services for new learners will also cease.
- (c) To receive Funding for MPTT Fees Top-ups and MPTT Brokerage Services during the Funding Period you must meet and continue to meet the following eligibility criteria:
 - (i) You must be:
 - A. a TEO that:
 - i. is part of a consortium approved by us; and
 - ii. is a wānanga, an ITP, a PTE or a university; and
 - iii. is quality assured by:
 - 1. the NZQA, if you are an ITP, wānanga or PTE; or
 - 2. the NZVCC, if you are a university; and
 - iv. has been allocated SAC Funding from us; or
 - B. a consortium, or a member of a consortium that:
 - i. is approved by us; and
 - ii. is a legal entity; and
 - iii. is a training organisation that is quality assured by the NZQA or is an organisation identified under section 159B(2) of the Education Act; and
 - iv. in the case of Fees Top-ups Funding, has a contract for SAC-funded provision with at least one TEO that meets the criteria specified in subparagraph (A).

2. Learner eligibility

- (a) You must ensure that MPTT Fees Top-ups Fund Funding and MPTT Brokerage Services Fund Funding are used only in respect of a learner who meets and continues to meet the following eligibility criteria. An eligible learner must be:
 - (i) one of the following:
 - A. a Domestic Student; or
 - B. an Australian citizen or Australian permanent resident currently residing in New Zealand; and
 - (ii) Māori or Pacific; and
 - (iii) aged 16 to 40 years of age (inclusive) at the start date of the first course in the programme of study or training; and
 - (iii) enrolled in an eligible programme or training scheme as set out in paragraph 4(a).

- (b) For the purposes of this condition:
- (i) “Māori” refers to those with evidence of Māori ancestry, whakapapa, or persons that made an oath, affirmation or declaration that they are Māori before a person recognised and authorised to administer such oaths, attestations, or declarations (eg, a kaumātua affiliated to a recognised Māori hapu, iwi, or legal entity, a Justice of the Peace, or other persons empowered to administer oaths and declarations under the Oaths and Declarations Act 1957).
 - (ii) “Pacific” refers to those who have evidence of ancestry from the independent and sovereign nations of the South Pacific, including The Republic of Fiji, The Kingdom of Tonga, Samoa, the Cook Islands, Solomon Islands, Vanuatu, Tuvalu, Nauru, Niue and Kiribati. It also includes the atolls of Tokelau for which New Zealand is administratively and constitutionally responsible.
 - (iii) Additionally, on the basis of a request by a consortia, we may grant admission to learners descended from persons from French Polynesia, Wallis and Futuna Islands, New Caledonia, Papua New Guinea and American Samoa provided they also meet the Conditions specified in 2(a) and there is spare capacity but only after prior consideration of admission by Māori and Pacific learners.

3. Reporting requirements

You must provide us with any information relating to consortium activities and/or performance that we request, in the format we specify.

4. Eligible programmes and training schemes for MPTT Fees Top-ups

- (a) You must only use MPTT Fees Top-ups Fund Funding for an eligible learner enrolled in a programme or training scheme that is:
- (i) SAC-funded training; and
 - (ii) either:
 - A. a programme of study leading to the award of a qualification at Levels 1 to 4 on the NZQF; or
 - B. a training scheme of between 40 and 45 credits at Levels 1 to 4 on the NZQF that has been endorsed by a training organisation or a Direct Funding Scheme participant as a suitable pathway into an apprenticeship or traineeship for learners with a specified set of needs; and
 - (iii) forms a pathway to entry to:
 - A. a New Zealand Apprenticeship; or
 - B. industry training at Level 3 or higher on the NZQF, or to a managed apprenticeship, in a programme identified by us as being likely to lead to sustainable employment.
- (b) You must not use MPTT Fees Top-ups Fund Funding for:
- (i) a New Zealand Apprenticeship, a traineeship, or a managed apprenticeship; or
 - (ii) a training scheme where we consider on reasonable grounds that a majority of the training scheme relates to health and safety or regulatory compliance learning.

5. Eligible MPTT Brokerage Services

- (a) You must use the MPTT Brokerage Services Fund Funding to provide or subcontract brokerage services to eligible learners. The Brokerage Services Fund Funding must be used to achieve the following purposes:
 - (i) match learner talents and aspirations with employer skill requirements and career pathways; and
 - (ii) tailor pre-employment trades educational provision to the needs and aspirations of MPTT learners, communities and potential employers; and
 - (iii) facilitate relationships between MPTT learners, providers, training organisations and potential employers; and
 - (iv) transition learners into sustainable employment.

6. Compliance with Conditions that apply to SAC-funded programmes or training schemes

You must, in respect of the programmes and training schemes for which you are receiving SAC Funding, comply with the Conditions imposed on that Funding.

7. Literacy and Numeracy Assessment Tool

In the case of learners for whom you receive MPTT Fees Top-ups Fund Funding for SAC-funded programmes leading to a qualification at Level 3 or 4 on the NZQF, you must have in place an effective assessment process for identifying each learner's initial literacy and numeracy needs, and measuring their progress, using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool (such as the Adult, Youth, Te Ata Hāpara or Starting Points version).

8. Fees and associated course costs

- (a) You must not charge a fee to a learner who is enrolled in a qualification for which you receive MPTT Fees Top-ups Fund Funding.
- (b) You must not charge a fee to a learner for brokerage services for which you have received funding from the MPTT Brokerage Services Fund.

9. Funding from other sources

- (a) You must not (without our prior written consent) seek or obtain any funding, from any other Crown source, for activities for which you receive MPTT Fees Top-Up or Brokerage Services Funding. You must notify us immediately if you become aware of circumstances that might result in a breach of this condition.
- (b) You must not seek or claim fees, payments or other fees top-up funding from any other Crown source for the same learner for whom you are receiving MPTT Fees Top-Up or Brokerage Services Funding, without our prior written approval.

10. Minimum performance standards

You must meet any minimum performance standards including any Minimum Requirements specified by us. We will monitor your performance against the minimum performance standards and Minimum Requirements with respect to MPTT learners and your performance may inform future funding decisions.

11. Subcontracting

- (a) You must not subcontract delivery of any programme, training scheme, component course or part of a course for which you receive MPTT Fees Top-ups Fund Funding or MPTT Brokerage Services Fund Funding, unless you have our prior written consent.
- (b) You:
 - (i) must comply with any conditions imposed by us on the consent to subcontract; and
 - (ii) must ensure that the subcontracted party does not further subcontract any functions; and
 - (iii) remain accountable to us for the use of the MPTT Fees Top-ups or MPTT Brokerage Services Funding.

12. Repayment of MPTT Fees Top-ups Fund Funding or MPTT Brokerage Services Fund Funding

- (a) If you receive MPTT Fees Top-up Fund Funding and/or MPTT Brokerage Services Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:
 - (i) is repayable on demand; and
 - (ii) may be set-off against all or any funding, or any sum of money payable by us to you.
- (b) If you receive MPTT Fees Top-ups Fund Funding or MPTT Brokerage Services Fund Funding that is less than it should have been, or that you were entitled to receive, we will treat the amount of the under-funding as a credit and pay the amount as soon as is reasonably practicable.
- (c) For the purposes of this condition any MPTT Fees Top-ups Fund Funding or MPTT Brokerage Services Fund Funding that remains unspent at 31 December 2020 will be counted as an amount of funding that is greater than it should have been.

13. Recovery of MPTT Fees Top-ups Fund Funding or MPTT Brokerage Services Fund Funding

- (a) We will recover up to 100% of MPTT Fees Top-ups Fund Funding for any under-delivery by your organisation. The course level delivery volume data submitted through the December SDR will be used to assess any under-delivery.
- (b) We will recover up to 100% of MPTT Brokerage Services Fund Funding for any under-delivery by your organisation. The data submitted through the December SDR will be used to determine the amount of under-delivery.

14. Suspension, revocation or withdrawal of MPTT Fees Top-ups Fund Funding or MPTT Brokerage Services Fund Funding

- (a) If we suspend, revoke or withdraw some or all of your MPTT Fees Top-up Fund Funding or MPTT Brokerage Services Fund Funding under section 159ZF of the Education Act 1989 before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as debt due to the Crown that is:
 - (i) repayable on demand; and
 - (ii) may be set-off against all or any funding, or any sum payable by us to you.

Māori and Pasifika Trades Training (Consortium Activities)



Māori and Pasifika Trades Training (Consortium Activities)

Purpose of Fund

The purpose of this Māori and Pasifika Trades Training (MPTT) Fund is to support Māori and Pacific learners aged 16 to 40 years of age (inclusive) to enter and achieve in pre-trades training and progress to sustainable trades or trades-related employment, including New Zealand Apprenticeships, other successful industry training programmes at Level 3 and above on the NZQF, and managed apprenticeships. Progression to further provider-based vocational training at Level 4 or above on the NZQF that has strong employment outcomes is also a positive outcome.

Entities described as “training organisations” within these conditions include:

- (a) industry training organisations (ITOs) to carry out their activities under the Industry Training and Apprenticeships Act 1992 (unless and until they are recognised as Transitional ITOs under clause 43 of Schedule 1 of the Education (Vocational Education and Training Reform) Amendment Bill (the Bill));
- (b) transitional ITOs to carry out their activities under the Bill (see Part 9 of Schedule 1 of the Bill);
- (c) providers (as defined in proposed new section 477 inserted by clause 65 of the Bill) to whom responsibility is transferred for the purposes of the elements of the transition plan referred to in clause 51(a)(ii) of Schedule 1 of the Bill);
- (d) providers of education and training for the purposes of training contracts (see the definition of “training contract” inserted into section 159(1) of the Education Act by clause 7(8) of the Bill);
- (e) providers carrying out apprenticeship training activities under proposed Subpart 2 of Part 34 inserted by clause 65 of the Bill.

References in these conditions to an entity above involving the Education (Vocational Education and Training Reform) Amendment Bill only take effect if and when the Bill is passed as an Act of Parliament and comes into force. References to provisions within the Bill are taken from the introduction version of the Bill and, if the Bill is passed, each reference should be read as the corresponding provision in the Education Act.

Funding through the MPTT Fund is for:

- (a) fees top-up (MPTT Fees Top-up) to make Student Achievement Component (SAC)-funded programmes of pre-trades training fees-free to MPTT learners; and
- (b) brokerage services (MPTT Brokerage Services) to:
 - (i) match learner talents and aspirations with employer skill requirements and career pathways; and
 - (ii) tailor pre-employment trades educational provision to the needs and aspirations of MPTT learners, communities and potential employers; and
 - (iii) facilitate relationships between MPTT learners, providers, training organisations and potential employers; and
 - (iv) transition learners into sustainable employment; and
- (c) consortium funding consists of funding for consortium activities (MPTT Consortium Activities) to increase access of teaching for Māori and Pacific learners and improve pre-employment trades training (including robust work preparation and learner support) to align this training more closely to the needs of employers and of Māori and Pacific communities.

MPTT Consortium Activities include:

- (a) governance and project management;
- (b) coordinating the contributions of consortium members and other services to the development of learner capabilities;
- (c) employability skills training and licencing (eg, driver licencing), that complement the SAC-funded programmes;
- (d) learner support (activities, goods, or other support that contributes to learners' success) in addition to support ordinarily offered by the tertiary provider; and
- (e) transitional tools grant for eligible learners who complete or leave their MPTT pre-trades training on or prior to 31 December 2018.

Since January 2019, the funding previously allocated to the MPTT Tools Grant has been repurposed as additional funding for consortia to provide learner support services (which can include funding for tools). The transitional process in place will ensure the needs of learners eligible under the previous system continue to be met.

The following Conditions apply, under section 159ZD of the Education Act 1989, on the MPTT Fund Funding that you receive for the MPTT (Consortium Activities), in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. General organisation eligibility

To be eligible to receive MPTT Fund Funding you must remain part of the same approved consortium or consortia, where applicable, for the length of the Funding Period, except as agreed by us, for the purpose of continuing to support enrolled learners.

2. Organisation eligibility

To receive Funding from the MPTT Consortium Activities Fund, you must meet and continue to meet the necessary eligibility criteria, being that you are the lead consortium member, and that you, as the lead consortium member are:

- (a) approved by us; and
- (b) a legal entity; and
- (c) either:
 - (i) a TEO that is eligible to receive funding for MPTT Fees Top-up or MPTT Brokerage Services under the MPTT Fund; or
 - (ii) a person or body that provides tertiary education-related services and is identified in accordance with section 159B(2) of the Education Act as an organisation for the purposes of the Act.

3. Consortium lead member's responsibilities

As the lead member of the consortium, you must enter into an arrangement, or arrangements, with each other member of the consortium that:

- (a) enables you to meet the Conditions imposed by us on you as the consortium lead member; and
- (b) imposes on each other member of the consortium obligations owed to you that are similar to your obligations in respect of any MPTT Fund Funding received by you; and
- (c) imposes on each other member of the consortium obligations to provide information to, and fully cooperate with, you and us, in order to verify your compliance with the Conditions.

4. Membership of consortium

A consortium must consist of at least one tertiary education organisation, a training organisation, employer representation, and a Māori and/or Pacific entity.

As the lead member of the consortium, you must not, without our prior written consent, enter into any arrangement with another organisation, or end an arrangement with any other member of the consortium, that would have the effect of changing the membership of the consortium.

5. Consortium Activities

You may only use MPTT Consortium Activities Fund Funding to undertake the MPTT Consortium Activities specified in the “Purpose of Fund” section above.

6. Funding from other sources

An organisation that receives MPTT Consortium Activities Fund Funding must:

- (a) not (without our prior written consent) seek or obtain any funding, from any Crown source other than us, to fund a programme or training scheme which is funded under MPTT; and
- (b) notify us immediately if it becomes aware of any circumstances that might result in a breach of subparagraph (a) of this condition.

7. Female participation in MPTT

You must agree with us an aspirational target for female participation in MPTT that:

- (a) reflects the opportunity for the consortium to increase female participation in trades that offer sustainable employment and in which females have traditionally been under-represented; and
- (b) represents a significant but achievable increase on previous female participation in the Consortium’s activities.

We will monitor your actual overall female learner participation and your performance against the target may be used to inform future funding decisions.

This target forms part of your 2020 Funding Confirmation.

8. Participation of learners who may be less likely to participate or achieve in vocational training without MPTT

- (a) You must agree with us an aspirational target(s) for the participation of learners less likely to participate or achieve in vocational training without MPTT, such as those with low qualifications and recent beneficiaries.

The target(s) should reflect local/regional needs and aspirations, and can relate to an industry need, specific qualifications and/or be in response to regional economic development strategies.

The target(s) form(s) part of your 2020 Funding Confirmation.

Your performance against the target(s) may be used to inform future funding allocations.

- (b) You must work with your consortium partners to ensure that the requirements below are met:
 - (i) learners enrolling in MPTT qualifications at Levels 3 and 4 on the NZQF hold qualifications no higher than Level 3 at the time of their enrolment; and
 - (ii) prior achievement requirements for learners enrolling in Level 1 and 2 qualifications are met in accordance with the funding conditions for SAC Levels 1 and 2 provision.

9. Employment outcomes performance measure for consortia

You must report employment outcomes in the form that we specify.

The MPTT initiative is an end-to-end initiative for recruiting learners, providing training and pastoral care, and transitioning them into sustainable trades-related employment. You must have a strong role in achieving learner progression to:

- (a) New Zealand Apprenticeships;
- (b) other industry training programmes at Level 3 and above;
- (c) Managed Apprenticeships;
- (d) trades-related employment;
- (e) further education at Level 4 or above; and
- (f) other employment.

We will analyse employment outcomes data reported by your consortium.

Your performance and reporting may be used to inform future funding decisions.

10. Minimum performance standards

You must meet any minimum performance standards as specified by us.

11. Financial reporting

- (a) You must, as soon as practicable after the end of any year in which you receive MPTT Consortium Activities Fund Funding, provide us with:
 - (i) a financial report for that year, including a statement of financial performance, a statement of financial position, a statement of movements in equity, a statement of cash flows, and a statement of service performance that compares your performance with the outcomes agreed with us as measured by any performance indicators agreed with us; and
 - (ii) any financial reports, or statistical or other information, required by us; and
 - (iii) any information necessary to demonstrate compliance with the Conditions.
- (b) The reports described in subparagraph (a) must be prepared in accordance with generally accepted accounting practice and audited by an independent chartered accountant.

12. Subcontracting

- (a) You must not subcontract any MPTT Consortium Activities Fund-funded activities unless you have our prior written consent.
- (b) You:
 - (i) must comply with any conditions imposed by us on the consent to subcontract; and
 - (ii) must ensure that the subcontracted party does not further subcontract any functions; and
 - (iii) remain accountable to us for the use of the MPTT Consortium Activities Fund Funding.

13. Repayment of MPTT Consortium Activities Fund Funding

- (a) If you receive MPTT Consortium Activities Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:
 - (i) is repayable on demand; and
 - (ii) may be set-off against all or any funding, or any sum of money payable by us to you.
- (b) For the purposes of this condition any MPTT Consortium Activities Fund Funding that remains unspent at 31 December 2020 will be counted as an amount of funding that is greater than it should have been.

14. Suspension, revocation or withdrawal of MPTT Consortium Activities Fund Funding

- (a) If we suspend, revoke or withdraw some or all of your MPTT Consortium Activities Fund Funding under section 159ZF of the Education Act 1989 before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as debt due to the Crown that is:
 - (i) repayable on demand; and
 - (ii) may be set-off against all or any funding, or any sum of money payable by us to you.

Performance-Based Research Fund



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Performance-Based Research Fund

Purpose of Fund

The primary purpose of the Performance-Based Research Fund (PBRF) is to increase the quality of research by rewarding and encouraging research excellence.

The primary objectives of the PBRF are to:

- (a) increase the quality of basic and applied research at New Zealand's degree-granting tertiary education organisations (TEOs);
- (b) support world-leading research-led teaching and learning at degree and postgraduate levels;
- (c) assist New Zealand's TEOs to maintain and lift their competitive rankings relative to their international peers; and
- (d) provide robust public information to stakeholders about research performance within and across TEOs.

In doing so, the PBRF will also:

- (a) support the development of postgraduate student researchers and new and emerging researchers;
- (b) support research activities that provide economic, social, cultural and environmental benefits to New Zealand, including the advancement of mātauranga Māori; and
- (c) support technology and knowledge transfer to New Zealand businesses, iwi and communities.

The following Conditions apply, under section 159YC of the Education Act, to the PBRF Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

You must continue to be a TEO that, for the length of the Funding Period:

- (a) is based in New Zealand; and
- (b) grants bachelor's degrees, master's degrees, or doctoral degrees; and
- (c) has an Investment Plan (unless exempt); and
- (d) receives Student Achievement Component Funding.

2. Participation in all components of PBRF Funding

- (a) You must participate in each of the Quality Evaluation (QE), Research Degree Completions (RDC), and External Research Income (ERI) components of PBRF, even if your PBRF Funding entitlement for one or more of those components is zero, or is likely to be zero.
- (b) You must have participated in the latest QE in order to receive PBRF Funding through each of the RDC component and the ERI component of such Funding.

3. Provision of Evidence Portfolios

You must provide an Evidence Portfolio for each staff member at your organisation that is eligible for evaluation in the QE, that:

- (a) sets out information on the eligible staff member's research performance; and
- (b) comprises a research output component and a research contribution component.

4. Staff eligibility

- 4.1 You must ensure that each staff member whose Evidence Portfolio is included in the QE process:
- (a) is employed by you on the staff census date under a contract of salaried employment with a duration of at least one year; and
 - (b) is employed at a minimum of 0.2 full-time equivalent (FTE) during the period of the contract of salaried employment; and
 - (c) is required to make a substantive contribution to research and/or teaching degree-level programmes as part of his or her employment function (in accordance with the criteria specified in paragraph 3, page 17 of the Performance-Based Research Fund – Guidelines for tertiary education organisations participating in the 2018 Quality Evaluation¹); and
 - (d) is not based overseas (in accordance with the criteria specified on page 16 of the Performance-Based Research Fund – Guidelines for tertiary education organisations participating in the 2018 Quality Evaluation²).
- 4.2 For the avoidance of doubt, you must not submit an Evidence Portfolio for a staff member that does not meet the above eligibility criteria.

5. Submitting Evidence Portfolios

You must:

- (a) indicate when an Evidence Portfolio is being submitted in respect of an eligible staff member who is a new and emerging researcher; and
- (b) if you consider that an Evidence Portfolio is likely to be assigned a quality category of R or R(NE), you must not submit that Evidence Portfolio.

6. Calculating RDC

You must calculate completions of research-based postgraduate degrees in units of equivalent full-time students (EFTS), where one (1.0) EFTS unit is defined as the student workload that would normally be carried out by a student enrolled full time in a single academic year.

7. Sources of External Research Income

- 7.1 You must, where applicable, report your eligible external research income (ERI) to us, broken down into the following sources:
- (a) New Zealand government contestable funds; and
 - (b) New Zealand public sector contract research; and
 - (c) New Zealand non-government sources; and
 - (d) overseas research income.
- 7.2 For the purposes of this Condition, “external research income” includes income from public and private sources for research conducted by an eligible TEO (and/or a wholly owned subsidiary) and includes research income from competitive sources from within Vote Tertiary Education (excluding PBRF).

1 www.tec.govt.nz/assets/Forms-templates-and-guides/PBRF-teo-guide.pdf

2 As above.

8. Information to support reporting of scores

You must provide any information required to support the reporting of average quality scores from the QE.

9. Repayment of PBRF Funding

If you receive PBRF Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

10. Definitions

For the purposes of these PBRF Fund Conditions, the following terms have the following meanings:

Research is original investigation undertaken in order to contribute to knowledge and understanding and, in the case of some disciplines, cultural innovation or aesthetic refinement. It typically involves enquiry of an experimental or critical nature driven by hypotheses or intellectual positions capable of rigorous assessment by experts in a given discipline. It is an independent, creative, cumulative and often long-term activity conducted by people with specialist knowledge about the theories, methods and information concerning their field of enquiry. Its findings must be open to scrutiny and formal evaluation by others in the field, and this may be achieved through publication or public presentation. In some disciplines, the investigation and its results may be embodied in the form of artistic works, designs or performances. Research includes contribution to the intellectual infrastructure of subjects and disciplines (eg, dictionaries and scholarly editions). It also includes the experimental development of design or construction solutions, as well as investigation that leads to new or substantially improved materials, devices, products or processes.

Excellence as a researcher includes all of the following activities:

- (a) the production and creation of leading-edge knowledge;
- (b) the application of that knowledge;
- (c) the dissemination of that knowledge to students, industry, iwi and hapū, and the wider community; and
- (d) supporting current and potential colleagues (eg, postgraduate students) in the creation, application and dissemination of knowledge.

Excellence will be measured by a combination of external peer review, research degree completion and external research income indicators.

Quality Evaluation and **QE** mean a periodic peer assessment of the research contribution of individual teaching and research staff in participating TEOs.

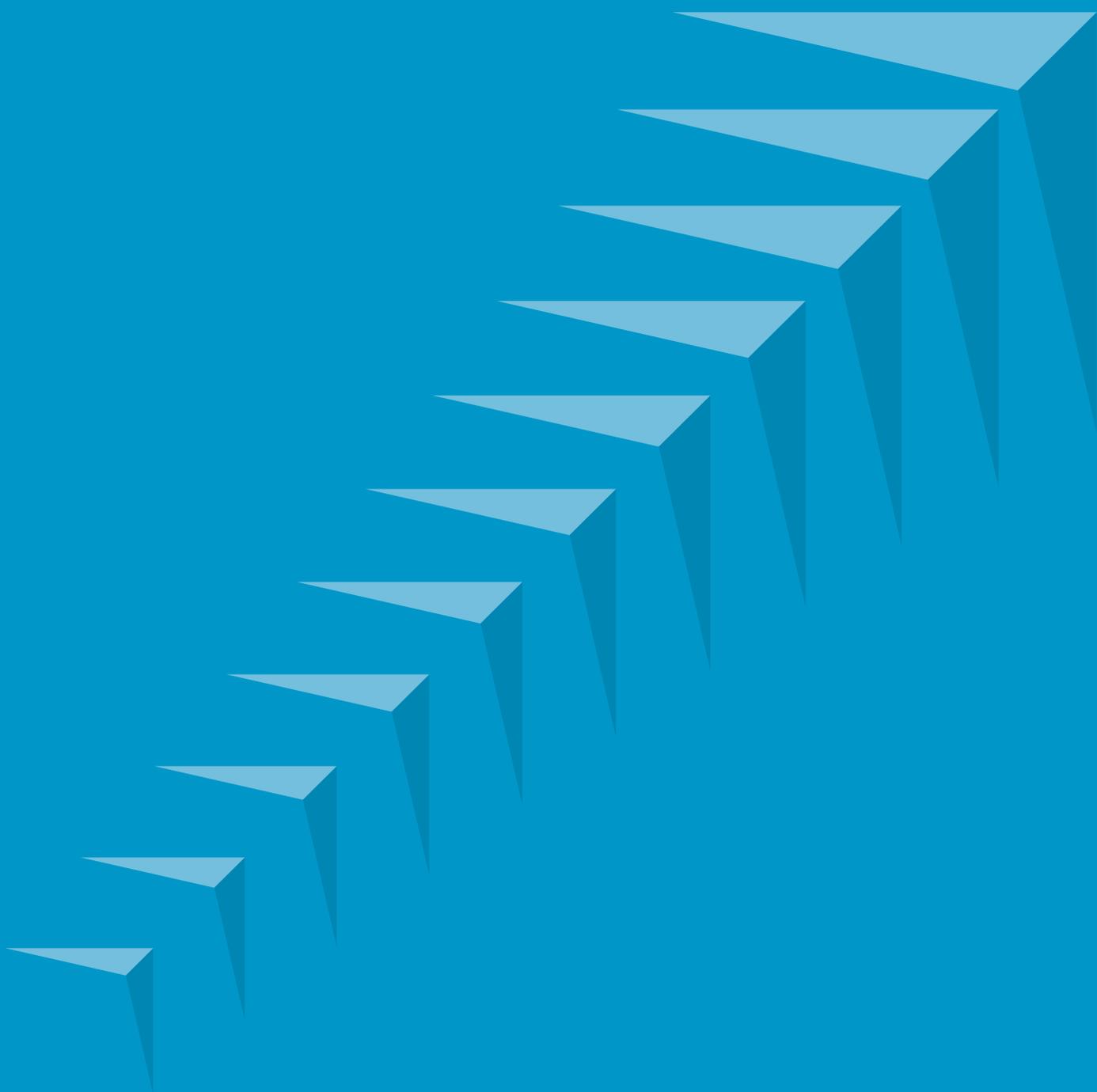
Research Degree Completions and **RDC** mean a measure of the number of research-based postgraduate degrees that are completed within participating TEOs.

External Research Income and **ERI** mean a measure of income received by participating TEOs (and/or any wholly-owned subsidiaries) for the purposes of conducting research.

Category R represents a quantum of research activity and quality at a level which is insufficient for recognition for funding purposes according to the QE process categories we use to categorise the quality of Evidence Portfolios.

Category R(NE) represents a quantum of research and quality by a new and emerging researcher at a level which is insufficient for recognition for funding purposes according to the QE process categories we use to categorise the quality of Evidence Portfolios.

Level 1 – 6 Qualification Development Fund



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Level 1 – 6 Qualification Development Fund

Purpose of Fund

The purpose of the Level 1 – 6 Qualification Development Fund is to support projects to develop and review qualifications on the NZQF that reflect industry need.

The following Conditions apply, under section 159ZD of the Education Act, to the Level 1 – 6 Qualification Development Fund Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

You must, for the length of the Funding Period, continue to be formally approved by the New Zealand Qualifications Authority (NZQA) as a qualification developer and meet criteria specified by us.

2. Use of Funding

- (a) You must only use the Level 1 – 6 Qualification Development Fund Funding for the development, or review and development of the New Zealand qualification(s) at levels 1 – 6 on the New Zealand Qualifications Framework (NZQF) specified in your application (Project).
- (b) You must not use the Level 1 – 6 Qualification Development Fund Funding for the development or review of programmes leading to New Zealand qualifications.

3. Stakeholder engagement

You must:

- (a) have collaborative arrangements with key stakeholders in relation to the qualification(s) specified in your Project, including other tertiary education organisations (TEOs) that:
 - (i) have not received Level 1 – 6 Qualification Development Fund Funding for the Project; or
 - (ii) wish to arrange or deliver training or offer programmes leading to the award of the qualification(s) specified in your Project; and
- (b) ensure that the key stakeholders contribute to the development of the qualification(s) specified in your Project; and
- (c) ensure that (where applicable) other TEOs will arrange or deliver programmes or training leading to the award of the qualification(s) specified in your Project.

4. Your responsibilities

- (a) You must co-invest in the Project to ensure that the outcomes of the Project are achieved.
- (b) You must ensure that the strategic purpose and outcomes of the resulting qualification(s) specified in your Project will meet the needs of learners, industry and communities that you have identified.
- (c) You must provide us with access to your premises, employees and information for the purposes of:
 - (i) inspecting the records that you keep; or
 - (ii) auditing your compliance with Conditions and requirements in the Education Act.

5. Provision of information

- (a) You must immediately notify the TEC in writing if:
 - (i) you receive a notification from NZQA under NZQA's Qualification Listing and Operational Rule 14.1 that:
 - A. specifies NZQA's belief that you are not meeting your responsibilities under Rule 13.1; and
 - B. gives you an opportunity to be heard; or
 - (ii) after considering any submissions by you, NZQA advises you that it is satisfied that:
 - A. you are not meeting your responsibilities under Rule 13.1; and
 - B. you have no effective remedial plan.
- (b) You must provide a final written report on the Project, when we request it and in the form we specify, that outlines:
 - (i) the activities you have undertaken;
 - (ii) your stakeholder consultation process, findings, and the actions you took when following that process;
 - (iii) the issues you identified in the Project, and how you resolved those issues;
 - (iv) a full itemisation of how you spent the Level 1 – 6 Qualification Development Fund Funding; and
 - (v) resulting qualification(s), describing:
 - A. how the resulting qualification(s)' strategic purpose and outcomes will meet the needs of learners, industry and communities; and
 - B. whether the resulting qualification(s) has been listed by NZQA on the NZQF (ie, whether they are New Zealand qualification(s)).

6. Subcontracting

You must:

- (a) not subcontract any of the funded activities without our prior written consent;
- (b) comply with any conditions imposed by us on a consent to subcontract;
- (c) ensure that the subcontracted party does not further subcontract any functions; and
- (d) remain accountable to us for the use of the Level 1 – 6 Qualification Development Fund Funding.

7. Repayment of Level 1 – 6 Qualification Development Fund Funding

If you receive Level 1 – 6 Qualification Development Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

8. Suspension or revocation of Level 1 – 6 Qualification Development Fund Funding

If we suspend or revoke some or all of your Level 1 – 6 Qualification Development Fund Funding under section 159ZF of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand by us; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Student Achievement
Component – Qualifications at
Levels 1 and 2 on the NZQF



Student Achievement Component – Qualifications at Levels 1 and 2 on the NZQF

Purpose of Fund

The objectives of foundation-level tertiary education (Levels 1 and 2 on the New Zealand Qualifications Framework (NZQF)) are to:

- (a) provide people who do not already have essential foundation skills with access to a low-cost way to gain those skills;
- (b) provide progression to higher level study and skilled employment;
- (c) build the literacy and numeracy skills of eligible students;
- (d) enable students to learn English or te reo Māori; and
- (e) encourage those tertiary education organisations (TEOs) that are best able to meet the needs of foundation education students.

Special Supplementary Grant (SSG) funding is to fund additional tutor support for special education in TEOs.

The following Conditions apply, under section 159YC of the Education Act, on the Student Achievement Component – Qualifications at Levels 1 and 2 on the NZQF Fund (SAC1&2) and SSG funding (as applicable) that you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

- (a) You must continue to be:
 - (i) a tertiary education institution (TEI), namely:
 - A. a university;
 - B. an institute of technology and polytechnic (ITP);
 - C. a wānanga; or
 - (ii) a private training establishment (PTE); and
- (b) You must continue to be quality assured by:
 - (i) the New Zealand Qualifications Authority (NZQA), if you are an ITP, a wānanga or a PTE; or
 - (ii) the New Zealand Vice Chancellors' Committee (NZVCC), if you are a university.

2. Single Data Return (SDR)

- (a) You must:
 - (i) supply to us information about each student enrolled in a course by completing the fields in the SDR in accordance with the SDR Manual and its appendices; and
 - (ii) submit the information on or before the date we specify.
- (b) You must submit the SDR through the Services for Tertiary Education Organisations (STEO) website. For more information, please refer to the SDR Manual and SDR Appendices.

3. Withdrawal of enrolments

3.1 Withdrawal date for TEIs

- (a) You may set a Withdrawal date, being the specified period during which a student can Withdraw and receive a full refund of compulsory student service fees, provided that date is not earlier than the Withdrawal date in paragraph (b).
- (b) If you do not set a Withdrawal date, the Withdrawal date will be the date on which 10% (rounded up to the nearest whole day) or one month of the course for which a student is enrolled has passed, whichever is the smaller. The Withdrawal date must be determined by calculating the number of sequential calendar whole days from the start date of the course.

3.2 Withdrawal date for PTEs

If you are a PTE, you must comply with the Withdrawal dates and refund period entitlements set out in sections 234C to 235D of the Education Act.

3.3 Reporting Withdrawals to the Ministry of Social Development (StudyLink)

In addition to any other Conditions requiring you to report Withdrawals of enrolments, you must report the Withdrawal of students to the Ministry of Social Development (StudyLink) within five working days of each Withdrawal. This is to enable student loans and student allowances to be cancelled as soon as possible.

3.4 Other obligations to report Withdrawals

For the avoidance of doubt, completing the SDR does not discharge your other obligations to report Withdrawals. These obligations include reporting (where applicable) to: Immigration New Zealand (for international students) and Trustees administering fee protection mechanisms (for international students and all PTE students).

3.5 Refunding fees for Withdrawals

If fees are to be refunded to a student, you must, as soon as reasonably practicable, pay the refund:

- (a) to the Ministry of Social Development, if the student paid the fees using the Student Loan Scheme; or
- (b) directly to the student.

4. Use of SAC1&2 Fund Funding for valid domestic enrolments

4.1 Valid domestic enrolments

- (a) You must ensure that SAC1&2 Fund Funding is only used in respect of a student who is a valid domestic enrolment.
- (b) For the purposes of SAC1&2 Fund Funding, the term “valid domestic enrolment” refers to the enrolment of a student who:
 - (i) is a Domestic Student; and
 - (ii) is either:
 - A. aged 16 years and over; or
 - B. aged under 16 years, and meets the criteria established by us for a valid domestic enrolment of a student aged under 16 years (refer paragraph (c) below); and
 - (iii) is studying in New Zealand, unless the student meets the criteria in paragraph (d) below.

- (c) A student aged under 16 years old at the time that the programme of study or training in which the student is enrolled begins is a valid domestic enrolment if he or she meets the following criteria:
- (i) you are satisfied that the student is capable of completing the academic requirements of the programme of study or training in which the student is enrolled;
 - (ii) you have ensured that the student has a school exemption certificate from the Ministry of Education;
 - (iii) if the student is, or will be, enrolled in secondary school at the time the programme of study or training starts, you have ensured that the student's principal has signed a letter that approves the programme of study or training, and that either specifies that:
 - A. the student is not required to be absent from school during school hours; or
 - B. if the student is required to be absent from school during school hours for more than five hours per week, the school will seek reduced funding for the student from the Ministry of Education; and
 - (iv) if the student is, or will be, home schooled at the time that the programme of study or training starts, you have ensured that the parent of the student who is primarily responsible for the student's home schooling has signed a letter that approves the study or training.
- (d) A student studying outside New Zealand is a valid domestic enrolment if he or she meets the following criteria:
- (i) the student is:
 - A. a Domestic Student¹;
 - B. enrolled in a course(s) leading to the award of a recognised qualification offered by a New Zealand TEO; and
 - (ii) the student meets the following criteria if they are studying at an overseas campus or delivery site (irrespective of whether they are enrolled at the TEO's New Zealand campus or overseas campus):
 - A. the study outside New Zealand is full time and face-to-face (ie, not an extramural enrolment) in an approved country identified on the Education New Zealand website; and
 - B. is undertaking part (but not all) of the programme outside New Zealand.
- (e) A student who has not paid his or her fees (if fees apply) is a valid domestic enrolment if you pay for the student's fees through a scholarship.

4.2 Verification of student eligibility

- (a) You must verify a student's eligibility for enrolment as a valid domestic enrolment. For the following types of student who are a valid domestic enrolment under the above Condition, you must use one of the following verification methods, and assess whether the student meets the eligibility criteria as specified in Condition 4.1:

¹ The criteria that a permanent resident (the holder of a Residence Class Visa granted under the Immigration Act 2009) who will be studying overseas, must satisfy to be a Domestic Student are set out in the Education (Tertiary Education—Criteria Permanent Residents Studying Overseas must Satisfy to be Domestic Students) Regulations 2016.

Type of learner	Verification methods
A New Zealand citizen	<p>You must:</p> <ol style="list-style-type: none"> confirm the learner’s citizenship status using the learner’s National Student Number (NSN); or receive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); or if the student is in prison at the time of enrolment, receive a completed and signed Department of Corrections “Verification of legal name and New Zealand residency status” form relating to the student; or sight an original or certified copy of one or more of the following documents: <ol style="list-style-type: none"> a New Zealand birth certificate; or a New Zealand passport; or a New Zealand certificate of citizenship; or if a student is unable to obtain a birth certificate for the purposes of (d)(i) above, you may contact us to confirm that a whakapapa statement signed by both the student and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none"> a passport with a current returning residency class visa (a passport with a visa label); or a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); or a certificate of identity from Immigration New Zealand if the student is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none"> an Australian birth certificate issued before 20 August 1986; or an Australian passport; or a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>
Other types of valid domestic enrolments	<p>You must ensure that a student is an exchange student taking part in a New Zealand Government-approved exchange programme at a TEO.</p>

You must follow the process set out in paragraph (a) unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- (b) For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
 - (i) be certified by an official of the issuing authority or a person authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (ii) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4.3 Verification of student identity

- (a) You must verify the identity of each student enrolled in a programme or programmes of study or training of more than 0.03 EFTS by doing one or more of the following and assessing whether the student is who they say they are:
 - (i) confirming that all data fields match the student's NSN; or
 - (ii) receiving an assertion through the Department of Internal Affairs' RealMe[®] online identity verification service; or
 - (iii) if the student is in prison at the time of enrolment, receiving a completed and signed Department of Corrections "Verification of legal name and New Zealand residency status" form relating to the student; or
 - (iv) sighting the original or certified copy of a current passport; or
 - (v) sighting the original or certified copy of one or more of the following documents:
 - A. a birth certificate; or
 - B. a certificate of identity; or
 - C. a New Zealand certificate of citizenship; or
 - D. an expired passport that has not been cancelled.

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- (b) If a student is unable to obtain a birth certificate for the purposes of (a)(iv)(A) above, you may contact us to confirm that a whakapapa statement signed by both the student and a kaumātua is acceptable evidence of identity.
- (c) For the purposes of this Condition a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
 - (i) be certified by an official of the issuing authority or a person authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (ii) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4.4 Enrolment records for valid domestic enrolments

You must:

- (a) keep accurate and up-to-date records of each valid domestic enrolment of a student enrolled in a programme of study or training of more than 0.03 EFTS funded by us specifying:
 - (i) the programme of study or training (including qualification(s) and course(s)) in which the student has been admitted or readmitted);

- (ii) the student's identity details, including the student's name, date of birth, citizenship, domestic or international student status, and residency status (if relevant);
 - (iii) if the student is enrolled in a programme of study or training leading to a qualification with an EFTS value of greater than 0.03 EFTS, whether you have verified the student's identity;
 - (iv) whether you have verified that the student is a valid domestic enrolment and/or has the appropriate student visa;
 - (v) the student's NSN;
 - (vi) the student's previous academic achievement (if relevant);
 - (vii) the receipt verifying that the student has paid or has arranged to pay his or her fees (if applicable);
 - (viii) changes (if any) made to an enrolment;
 - (ix) whether the student has Withdrawn from part of his or her programme of study or training, the date of the Withdrawal, and whether the Withdrawal was within the Withdrawal period;
 - (x) whether a student has been expelled from part of his or her programme of study or training by you due to a breach of your Code of Conduct;
 - (xi) whether a student is on a discretionary leave of absence greater than leave normally granted under your standard minimum attendance requirements;
 - (xii) that the student is attending the programme of study in which he or she is enrolled, or is actively involved in the programme or course (student attendance record); and
 - (xiii) the period for which the student is enrolled.
- (b) You must retain each student's record described in paragraph 4.4 (a) until:
- (i) at least two years after the completion of the education or training in which the student is enrolled; or
 - (ii) if a student Withdraws before the student has completed his or her education or training, at least two years after the date of Withdrawal.

4.5 No inducing enrolment

- (a) You must not secure or seek to secure a valid domestic enrolment through offering of an inducement.
- (b) Even if a student meets the criteria specified in paragraph 4.1, the enrolment is not a valid domestic enrolment if it has been secured by way of an inducement.
- (c) For the purposes of this Condition, an inducement includes any of the following, where they induce a student to enrol:
 - (i) a financial benefit to the student; or
 - (ii) a personal advantage to the student; or
 - (iii) a physical item that a student retains possession of after the course of study or training has ended.
- (d) For the purposes of this Condition, an inducement does not include:
 - (i) a scholarship, as defined below; or
 - (ii) a physical item that:
 - A. is essential for a student to complete the compulsory requirements of his or her programme of study (including printed course notes, an e-reader for course notes, course-related textbooks); and
 - B. cannot be returned and reused for students in subsequent intakes (for example, due to health and safety reasons; time-limited materials or materials that will be updated; or if it is not financially feasible); or

- (iii) an item or arrangement that has been approved by us (for example, we may approve an item that has minimal residual value or useful life in the general marketplace, or items that are needed for a student's pathway into the vocation for which study or training has been undertaken); or
 - (iv) the guarantee of a job placement on the successful completion of a programme of study, backed by a partial or total money-back guarantee; or
 - (v) a conditional offer of a partial refund (such as a refund for a timely or electronic enrolment).
- (e) For the purposes of this Condition, a scholarship means:
- (i) a merit scholarship (or prize) that comprises financial aid given to a student as a result of high academic achievement exceeding that of his or her fellow students or cohort; and/or
 - (ii) a needs scholarship that comprises financial aid given to a student who would otherwise be significantly disadvantaged in accessing education, where the need of the student has been demonstrated through a robust application and assessment process; and/or
 - (iii) any scholarship that:
 - A. has a clear, focused rationale for its existence; and
 - B. has a clearly identified philanthropic aim, or supports study in a particular area of importance to the donor.

4.6 No private advantage

You must not restrict enrolment in a SAC1&2 Fund-funded programme or training scheme on the basis of private advantage (for example, restricting enrolment to your employees only).

4.7 Exceeding the total annual EFTS value of the qualification

You must not seek SAC1&2 Fund Funding in respect of a student enrolled in a course that leads to the award of a qualification if the result of enrolling the student in the course is that the total EFTS factors for all of the courses in which the student is enrolled in that year exceed the total annual EFTS value of the qualification, unless:

- (a) the student, in an exceptional circumstance (such as repeating a course that he or she previously has not passed), has elected to exceed total EFTS value of the qualification in that year; and
- (b) you can demonstrate that the EFTS factor sought for the course adequately reflects additional teaching input, rather than additional self-directed study.

4.8 Funding for EFTS factor of a course

You may only seek SAC1&2 Fund Funding for the EFTS factor of a course once in cases where a student's enrolment in the course can lead to the award of two (or more) qualifications for the student, unless you can demonstrate that additional EFTS value sought for the student's enrolment in the course adequately reflects additional teaching input or assessment that the student would not receive if his or her enrolment in the course could only lead to the award of one qualification.

4.9 Recognised prior learning

- (a) You must not seek SAC1&2 Fund Funding for recognised prior learning credited to a student. To ensure that you are able to comply with this Condition, you must:
 - (i) make any fees charged for recognition of prior learning clear to the student;
 - (ii) ask the student to specify prior learning he or she has undertaken;
 - (iii) review the information provided by the student when admitting a student into a programme or qualification;
 - (iv) retain documents that confirm that the student has demonstrated the required knowledge or skill; and

- (v) adjust the course EFTS by Month in the SDR enrolment file so that you do not claim SAC1&2 Fund Funding for prior learning credited to the student.
- (b) Recognised prior learning does not include repeated learning or training that the applicable quality assurance body requires students to undertake periodically (eg, First Aid Certificates). If you deliver repeated learning or training for the purpose of meeting quality assurance body requirements, you must retain evidence that clearly identifies:
 - (i) the learning or training that the student was required to repeat to meet quality assurance body requirements;
 - (ii) the specific quality assurance body requirements; and
 - (iii) that you have advised the student of the fees that you will charge for the repeated learning or training; and
 - (iv) that the student has agreed it is necessary to repeat the learning or training.

4.10 Students with prior qualifications

- (a) You must not claim funding in relation to a student enrolled in a programme or training scheme eligible for SAC1&2 Fund Funding if:
 - (i) that student has already achieved a qualification at Level 2 or higher on the NZQF (a prior qualification); and
 - (ii) 10% of the students for which you receive SAC1&2 Fund Funding in the calendar year had, at the time of their enrolment, already achieved a qualification at Level 2 or higher on the NZQF.
- (b) You must measure the limit on enrolments with a prior qualification:
 - (i) by excluding student enrolments in qualifications in English for Speakers of Other Languages (ESOL) or te reo Māori;
 - (ii) by excluding qualifications achieved 5 years or more prior to the current enrolment; and
 - (iii) according to any other methodology we set.
- (c) We may recover funding if you enrol a student in breach of this Condition.

5. Programmes and qualifications

You must only use SAC1&2 Fund Funding to deliver qualifications and courses that have been approved by us. To receive approval for a qualification, you must submit the relevant documents to us in accordance with the information on our website.

5.1 Minimum requirements

You must ensure that, throughout the Funding Period, a programme or training scheme in which an eligible student is enrolled and that receives SAC1&2 Fund Funding:

- (a) meets the objectives of foundation-level tertiary education with respect to the provision which are to:
 - (i) provide people who do not already have essential foundation skills with access to a low-cost way to gain those skills; and
 - (ii) provide progression to higher level study and skilled employment; and
 - (iii) build the literacy and numeracy skills of eligible students; and
 - (iv) enable students to learn English or te reo Māori; and
 - (v) encourage TEOs that are best able to meet the needs of foundation education students; and

- (b) is one of the following:
 - (i) is part of a programme that:
 - A. leads to the award of a qualification (of 40 credits or more) at Level 1 or 2 on the NZQF; and
 - B. has been quality assured by either NZQA or the NZVCC (where appropriate); or
 - (ii) is part of a training scheme that:
 - A. leads to an award with a credit value greater than 20 credits; and
 - B. has been quality assured by NZQA; or
 - (iii) is part of a programme that leads to the award of the National Certificate of Educational Achievement (NCEA) at Level 2 that is aligned with one or more of the Vocational Pathways; and
- (c) includes embedded literacy and numeracy provision (except for qualifications in ESOL or te reo Māori); and
- (d) includes an assessment process, under which students are assessed using the Literacy and Numeracy for Adults Assessment Tool (except for qualifications taught predominantly in te reo Māori); and
- (e) involves synchronous learning (delivered in real-time to the student); and
- (f) may be delivered extramurally, provided you have our prior approval; and
- (g) is provided by tutors who are appropriately qualified. The appropriateness of a tutor's qualification relates to the foundation education qualification being delivered, including specialist areas, such as ESOL, te reo Māori and supported learning, as well as capability around the delivery of embedded literacy and numeracy (see Condition 5.1 (d)).

5.2 Literacy and numeracy assessment tool

You must have in place an effective assessment process for identifying each student's initial literacy and numeracy needs, and measure their progress using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool (including Adult, Youth, Te Ata Hāpara and Starting Points, as appropriate).

5.3 Health and safety or regulatory compliance learning

- (a) You must not use SAC1&2 Fund Funding to fund a programme of study or training scheme where a majority of the courses in the programme of study or training scheme relate to health and safety or regulatory compliance.
- (b) When determining whether a majority of the courses in a programme of study or training scheme relates to health and safety or regulatory compliance, we will:
 - (i) exclude courses from that calculation that are integral to the skills and knowledge recognised through the qualification; and
 - (ii) include the following courses in that calculation:
 - A. discrete short packages of health and safety or regulatory compliance learning (usually under 20 credits);
 - B. learning that displaces the responsibility of an employer to provide the necessary training for the mitigation of health and safety, and regulatory compliance risks; and
 - C. courses that contain learning about health and safety and/or regulatory compliance that will only lead to the completion of health and safety and/or regulatory compliance learning, rather than a whole programme of study or training scheme.

5.4 Making changes to qualifications

- (a) Before making a minor change to a qualification, you must:
- (i) obtain approval for the minor change from the relevant quality assurance body (if required), that is:
 - A. NZQA, if you are a PTE; or
 - B. NZQA or your Academic Board, if you are an ITP or a wānanga; or
 - C. NZVCC, if you are a university; and
 - (ii) notify us of the change and provide the relevant information; and
 - (iii) obtain approval from us to update the course or qualification register.
- (b) Before making a significant change to a qualification, you must:
- (i) obtain approval from the relevant quality assurance body;
 - (ii) provide the relevant information to us (including evidence of approval from the quality assurance body) to enable us to determine whether or not to approve the change; and
 - (iii) obtain approval from us to make the significant change.
- (c) For the purposes of this Condition:
- (i) a “minor change” to a qualification is a change that does not change the size, level, core content or EFTS value of the qualification; and
 - (ii) a “significant change” to a qualification is a change to:
 - A. the EFTS value of the qualification; or
 - B. the total number of credits in the qualification; or
 - C. the timeframe to complete the qualification; or
 - D. the level of the qualification in the NZQF; or
 - E. in relation to ITPs, wānanga and PTEs:
 - the location or locations at which the qualification is delivered; or
 - the delivery mode of the qualification; or
 - the number of courses that each student is expected to undertake to achieve the qualification; or
 - pre-requisite requirements.

5.5 Assigning EFTS values to qualifications

- (a) You must:
- (i) use the following three methods to determine the EFTS value of a qualification:
 - A. credits; and
 - B. learning hours; and
 - C. full-time teaching weeks; and
 - (ii) ensure that a qualification designed to be delivered within a year (being any 12-month period) is limited to a maximum of 1.0 EFTS, even if obtaining the qualification requires more than 120 credits (1,200 notional hours of learning, or 34 full-time teaching weeks), unless we have approved an exception to this limit; and
 - (iii) provide us with information on the three methods of calculating EFTS values (being credits, learning hours, and full-time teaching weeks) when you enter qualification details on our STEO website.

- (b) For the purposes of SAC1&2 Fund Funding, 1.0 EFTS equates to a programme of study or training that is 120 credits (1,200 notional learning hours delivered over 34 teaching weeks).
- (c) If you submit for approval for SAC1&2 Fund Funding a qualification that has two or more strands, you must propose an EFTS value for the qualification that is based on the strand that contains highest number of credits that you are approved to deliver for the qualification. A strand is a combination of courses that leads to the award of a qualification.
- (d) For the purposes of this Condition, and Condition 5.6, notional learning hours comprises of learning activities leading towards achievement of programme or qualification learning outcomes (planned by you and communicated by you to the student). Learning activities include but are not limited to:
 - (i) lecturer and tutor contact hours, including workshops and tutorials;
 - (ii) tests and assignments;
 - (iii) supervised practical placements;
 - (iv) study time;
 - (v) self-directed learning activities that the student is expected to engage with and participate in (with tutorial support available);
 - (vi) examination periods.

5.6 Limit on EFTS values for qualifications

You must not assign an EFTS value of more than 1.0 EFTS per year (being any 12-month period) to a qualification, for which you seek approval of SAC1&2 Fund Funding, unless you have received approval from us. In approving an exception to this Condition, we will consider additional criteria, including whether you:

- (a) will inform each student accurately about his or her higher than normal expected study commitments; and
- (b) have support mechanisms in place for each student who has difficulty coping with the intensity of the course.

5.7 Assigning course classifications

You must accurately assign each of your courses to a course classification listed in the “Course Classification Prescription” of Appendix 1 of the then-current funding mechanism named *Determination of Design of Funding Mechanism: Student Achievement Component – provision at Level 3 and above on the New Zealand Qualifications Framework* available on our website.

5.8 Assigning courses to a funding category

You must accurately assign each of your courses to a funding category listed in the “Funding Category tables” of Appendix 1 of the funding mechanism named *Determination of Design of Funding Mechanism: Student Achievement Component – provision at Level 3 and above on the New Zealand Qualifications Framework* available on our website.

6. Use of SAC1&2 Fund Funding

- (a) You must ensure that SAC1&2 Fund Funding is only used for the relevant programmes and activities at Levels 1 and 2 on the NZQF which are specified in your approved Investment Plan (unless exempt) or equivalent arrangement. For the purposes of calculating the value of your approved SAC1&2 funded delivery, we use a metric comprising:
 - (i) the number of valid domestic enrolments measured in EFTS; and
 - (ii) the qualifications, and their component courses, in which students are enrolled, and the assigned course classifications, funding categories, and funding rates of those qualifications and component courses.

- (b) You may only claim SAC1&2 Fund Funding for a student who:
 - (i) is and continues to be for the length of the Funding Period a valid domestic enrolment as described in paragraph 4.1(b); and
 - (ii) has completed 10% or one month of the course for which they have enrolled, whichever is the earlier.

6.1 No charging fees

- (a) You must not charge a fee to a student enrolled in a programme or training scheme funded from SAC1&2 Fund Funding.
- (b) For the purposes of this Condition, the term “fee” includes the following items: tuition fees, compulsory course costs, examination fees, cost of materials, costs of field trips, costs associated with the compulsory purchase of equipment or books through a TEO, and other charges associated with a course that is part of a qualification.
- (c) The term “fee” does not include compulsory student services fees or fees for student identification cards.

6.2 Provision of equipment, infrastructure and hardware

- (a) You must pay for the necessary equipment, infrastructure and hardware required to deliver a particular course or qualification.
- (b) When providing essential equipment (including computers, diving hardware, and chainsaws), you must not:
 - (i) include the costs in any fee, compulsory course cost or compulsory student service fee, charged to a student; or
 - (ii) require a student to meet the costs through the “course-related costs” component of the Student Loan Scheme as a condition of the student’s enrolment.
- (c) For the purposes of this Condition, “equipment, infrastructure and hardware”:
 - (i) means items that can be used by successive intakes of students; and
 - (ii) does not include personal items that are provided for individual students’ use and that you do not retain for the next intake of students.

6.3 Special Supplementary Grant for Special Education (SSG Special Education)

- (a) The purpose of the SSG Special Education is to provide additional tutorial support for students with special needs to ensure these students gain the knowledge and skills needed to take part in social and economic life in New Zealand.
- (b) If you receive SSG Special Education you must submit a report relating to your use of SSG Special Education funding at the end of the calendar year. The report must be submitted before 31 January of the following year. It must be submitted using the template provided to you by us and include the required information.

7. Minimum performance standards

You must meet any minimum performance standards specified by us, including any minimum performance standards specified in your Investment Plan.

8. Disclosure of data from Statistics New Zealand's Integrated Data Infrastructure

It is a Condition of funding that you consent, for the purposes of section 37A(a) of the Statistics Act 1975, to Statistics New Zealand disclosing information to the Ministry of Education and to us from its Integrated Data Infrastructure that identifies or may identify you.

The Statistics Act 1975 does not constrain the ongoing use or sharing of your TEO-level data once it is disclosed.

9. Benchmarking

If you are a TEI, you must participate as appropriate in benchmarking, including:

- (a) providing the vendor with financial and performance information as requested, in a timely manner; and
- (b) engaging with the vendor over follow-up questions and related quality assurance processes, in a timely manner; and
- (c) contributing to the cost of the agreement between us and the vendor, at a rate we determine.

10. Subcontracting

- (a) You must not subcontract any of the funded activities without our prior written consent.
- (b) You:
 - (i) must comply with any conditions imposed by us on the consent to subcontract; and
 - (ii) must ensure that the subcontracted party does not further subcontract any functions; and
 - (iii) will remain accountable to us for the use of the SAC1&2 Fund Funding.

11. Recovery of SAC1&2 Fund Funding

- (a) If you receive SAC1&2 Fund Funding and/or SSG funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:
 - (i) is repayable on demand; and
 - (ii) may be set-off against all or any funding, or any sum of money payable by us to you.
- (b) For the purposes of this Condition, you will have received SAC1&2 Fund Funding that was "greater than it should have been" if the total dollar value of the SAC provision that was delivered by you within the funding year is less than 99% of the total dollar value of the SAC provision paid to you from SAC1&2 Fund Funding. In that situation, the percentage of funding that is repayable is equal to the difference between the bottom of the tolerance band (99%) and the percentage value of the provision that was delivered.
- (c) We may recover a proportion of your funding for enrolments above the prior qualification limit.

12. Suspension, revocation or withdrawal of SAC1&2 Fund Funding

If we suspend, revoke or withdraw some or all of your SAC1&2 Fund Funding and/or SSG funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Student Achievement Component – Qualifications at Level 3 and above on the NZQF



Student Achievement Component – Provision at Level 3 and above on the NZQF

Purpose of Student Achievement Component (SAC) Funding

SAC Funding contributes towards the provision of teaching and learning services for enrolled students at tertiary education organisations (TEOs). The SAC comprises the following two Funds:

- (a) provision at Levels 1 and 2 on the New Zealand Qualifications Framework (NZQF); and
- (b) provision at Level 3 and above on the NZQF.

Flexible funding

- (a) We will allocate you additional SAC Level 3+ Fund Funding to that specified in your Funding Confirmation Letter if:
 - (i) you are a “qualifying TEO”, which means you:
 - A. have a New Zealand Qualifications Authority (NZQA) External Evaluation and Review (EER) rating of Category 1 or 2¹ (except for universities); and
 - B. are approved by us to deliver a minimum of 20 equivalent full-time students (EFTS) (funded and unfunded) in 2020; and
 - C. have an average 2019 course completion rate of 70% or higher for SAC level 3 and above; and
 - (ii) one of the following applies:
 - A. you are a tertiary education institution (TEI) or Rural Education Activities Programme (REAP) provider and the value of provision you actually deliver as measured in dollars (as determined by us), is greater than the value of your approved funding allocation; or
 - B. you are a private training establishment (PTE) and the value of provision you actually deliver as measured in dollars (as determined by us), that is approved by us (being the value of provision measured in dollars for which we allocate funding and the value of provision measured in dollars for which we don’t allocate funding) is exceeded.
- (b) The additional funding available to be allocated is up to the following limits, either:
 - (i) 2% of your approved funding allocation; or
 - (ii) 10 EFTS, (we will calculate 10 EFTS of delivery using the average EFTS rate of your total actual delivery (funded and unfunded), as determined by us),
whichever is greater.
- (c) Any additional funding will be calculated using information provided in the December Single Data Return (SDR) with payments made in March of the following year.
- (d) We may establish criteria to allocate funding above the additional funding limits described in (b), if we have assessed that we have sufficient funding available to provide funding above those limits.

The following Conditions apply, under section 159YC of the Education Act, to the SAC Level 3+ Fund Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

¹ EER is to be the highest published EER category for the TEO during the funding year to which flexible funding is being applied.

1. Organisation eligibility

- (a) You must continue to be:
 - (i) a TEI, namely:
 - A. a university;
 - B. an institute of technology or polytechnic (ITP);
 - C. a wānanga; or
 - (ii) a PTE; or
 - (iii) a REAP provider.
- (b) You must continue to be quality assured by:
 - (i) the NZQA, if you are an ITP, a wānanga, a PTE or a REAP provider; or
 - (ii) the New Zealand Vice-Chancellors Committee (NZVCC), if you are a university.

2. Single Data Return (SDR)

- (a) You must:
 - (i) supply to us information about each student enrolled in a course by completing the fields in the SDR in accordance with the SDR Manual and its appendices; and
 - (ii) submit the information on or before the date we specify.
- (b) You must submit the SDR through the [Services for Tertiary Education Organisations \(STEO\) website](#). For more information, please refer to the SDR Manual and SDR Appendices.
- (c) You must supply to us a forecast of your likely SAC Level 3+ Fund-funded EFTS in accordance with the SDR Manual.

3. Confirmed student enrolments

You must ensure that your SDR accurately records all “confirmed student enrolments” where fees apply. A confirmed student enrolment occurs where:

- (a) a student and your organisation have entered into an enrolment or tuition contract or arrangement and the student has paid or committed to pay his or her fees;
- (b) the period during which the student is entitled to Withdraw from a course, programme or training scheme and receive a full refund of fees (less any applicable administration fee) has passed; and
- (c) the student has not received a full refund of fees (less any applicable administration fee).

4. Withdrawal of enrolments

4.1 Withdrawal date for TEIs

- (a) You may set a Withdrawal date, being the specified period during which a student can Withdraw and receive a full refund of fees, course costs and compulsory student service fees, provided that date is not earlier than the Withdrawal date in paragraph (b).
- (b) If you do not set a Withdrawal date, the Withdrawal date will be the date on which 10% (rounded up to the nearest whole day) or one month of the course for which a student is enrolled has passed, whichever is the smaller. The Withdrawal date must be determined by calculating the number of sequential calendar whole days (including weekends and public holidays) from the start date of the course.

4.2 Withdrawal date for PTEs

If you are a PTE, you must comply with the Withdrawal dates and refund period entitlements set out in sections 234C to 235D of the Education Act.

4.3 Reporting Withdrawals to the Ministry of Social Development (StudyLink)

In addition to any other Conditions requiring you to report Withdrawals of enrolments, you must report the Withdrawal of students to StudyLink within five working days of each Withdrawal. This is to enable student loans and student allowances to be cancelled as soon as possible.

4.4 Other obligations to report Withdrawals

For the avoidance of doubt, completing the SDR does not discharge your other obligations to report Withdrawals. These obligations include reporting (where applicable) to: Immigration New Zealand (for international students), StudyLink (for Student Loan and Student Allowance recipients) and Trustees administering fee protection mechanisms (for international students and all PTE students).

4.5 Refunding fees for Withdrawals

If fees are to be refunded to a student, you must, as soon as reasonably practicable, pay the refund:

- (a) to StudyLink, if the student paid the fees using the Student Loan Scheme; or
- (b) directly to the student.

5. Use of SAC Level 3+ Fund Funding for valid domestic enrolments

5.1 Valid domestic enrolments

- (a) You must only use SAC Level 3+ Fund Funding for “valid domestic enrolments”.
- (b) For the purposes of SAC Level 3+ Fund Funding, the term “valid domestic enrolment” refers to the enrolment of a student who:
 - (i) is one of the following:
 - A. a Domestic Student²; or
 - B. an Australian citizen or Australian permanent resident currently residing in New Zealand; and
 - (ii) is either:
 - A. aged 16 years and over; or
 - B. aged under 16 years and meets the criteria in paragraph (c) below; and
 - (iii) is studying in New Zealand, unless the student meets the criteria in paragraph (d) below; and
 - (iv) has paid or committed to pay their fees (if fees apply), unless the student meets the criteria in paragraph (e) below.
- (c) A student aged under 16 years old at the time that the programme of study or training in which the student is enrolled begins is a valid domestic enrolment if they meet the following criteria:
 - (i) you are satisfied that the student is capable of completing the academic requirements of the programme of study or training in which the student is enrolled; and
 - (ii) you have ensured that the student has a school exemption certificate from the Ministry of Education; and

2 A Domestic Student is defined in ‘The Domestic Students (Tertiary Education) Notice 2019 issued under section 159 of the Act. A person who is enrolled in a Doctor of Philosophy (PhD) programme (level 10 on the NZQF), at a New Zealand university, is treated as a Domestic Student.

- (iii) if the student is, or will be, enrolled in a secondary school at the time the programme of study or training starts, you have ensured that the student's principal has signed a letter that approves the programme of study or training, and that either specifies that:
 - A. the student is not required to be absent from school during school hours; or
 - B. if the student is required to be absent from school during school hours for more than five hours per week, the school will seek reduced funding for the student from the Ministry of Education; and
 - (iv) if the student is, or will be, home schooled at the time that the programme of study or training starts, you have ensured that the parent of the student who is primarily responsible for the student's home schooling has signed a letter that approves the study or training.
- (d) A student studying outside New Zealand is a valid domestic enrolment if they meet the following criteria:
- (i) the student is:
 - A. a Domestic Student³; and
 - B. enrolled in a course(s) leading to the award of a recognised qualification offered by a New Zealand TEO; and
 - (ii) the student meets the following criteria if they are studying at an overseas campus or delivery site (irrespective of whether they are enrolled at the TEO's New Zealand campus or overseas campus):
 - A. the student is enrolled at a New Zealand TEO in a programme leading to the award of a qualification at Level 7 or above on the NZQF; and
 - B. the study outside New Zealand is full time and face-to-face (ie, not an extramural enrolment) in an approved country identified on the Education New Zealand website; and
 - C. is undertaking part (but not all) of the programme outside New Zealand.
- (e) A student who has not paid his or her fees (if fees apply) is a valid domestic enrolment if you pay for the student's fees through a scholarship, or if the student is eligible for fees-free tertiary education, and you are prohibited from charging the student the amount that we have paid you under Condition 8 which may be some or all of the fees.

5.2 Verification of student eligibility

- (a) You must verify a student's eligibility for enrolment as a valid domestic enrolment. For the following types of students who are valid domestic enrolments under the above Condition, you must use one of the following verification methods below, and assess whether the student meets the eligibility criteria as specified in Condition 5.1:

³ The criteria that a permanent resident (the holder of a residence class visa granted under the Immigration Act 2009) who will be studying overseas must satisfy to be a domestic student are set out in the Education (Tertiary Education—Criteria Permanent Residents Studying Overseas must Satisfy to be Domestic Students) Regulations 2016.

Type of student	Verification methods
A New Zealand citizen	<p>You must:</p> <ol style="list-style-type: none"> confirm the student’s citizenship status using the student’s National Student Number (NSN); or receive an assertion through RealMe® that the student was born in New Zealand (prior to 2005); or if the student is in prison at the time of enrolment, receive a completed and signed Department of Corrections “Verification of legal name and New Zealand residency status” form relating to the student; or sight an original or certified copy of one or more of the following documents: <ol style="list-style-type: none"> a New Zealand birth certificate; or a New Zealand passport; or a New Zealand certificate of citizenship; or If a student is unable to obtain a birth certificate for the purposes of (d)(i) above, you may contact us to confirm that a whakapapa statement signed by both the student and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none"> a passport with a current returning residency class visa (a passport with a visa label); or a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); or a certificate of identity from Immigration New Zealand if the student is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none"> an Australian birth certificate issued before 20 August 1986; or an Australian passport; or a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>
Other types of valid domestic enrolments	<p>You must ensure that a student is either:</p> <ol style="list-style-type: none"> an exchange student taking part in a New Zealand Government-approved exchange programme at a TEO. a person who is enrolled in a Doctor of Philosophy programme at a New Zealand university.

You must follow the process set out in paragraph (a) unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- (b) For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
 - (i) be certified by an official of the issuing authority or a person authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act (New Zealand) to make a statutory declaration, such as a Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (ii) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5.3 Verification of student identity

- (a) You must verify the identity of each student enrolled in a programme or programmes of study or training of more than 0.03 EFTS by doing one or more of the following, and confirm whether the student is who they say they are:
 - (i) by confirming that all data fields match the student's NSN; or
 - (ii) by receiving an assertion through the Department of Internal Affairs' RealMe[®] online identity verification service; or
 - (iii) if the student is in prison at the time of enrolment, by receiving a completed and signed Department of Corrections "Verification of legal name and New Zealand residency status" form relating to the student; or
 - (iv) by sighting the original or certified copy of a current passport; or
 - (v) by sighting the original or certified copy of one or more of the following documents:
 - A. a birth certificate; or
 - B. a certificate of identity; or
 - C. a New Zealand certificate of citizenship; or
 - D. an expired passport that has not been cancelled.

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- (b) If a student is unable to obtain a birth certificate for the purposes of (a)(v)(A) above, you may contact us to confirm that a whakapapa statement signed by both the student and a kaumātua is acceptable evidence of identity.
- (c) For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
 - (i) be certified by an official of the issuing authority or a person authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act (New Zealand) to make a statutory declaration, such as a Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court or a court official (Court Registrar or Deputy Registrar); and
 - (ii) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5.4 Enrolment records for valid domestic enrolments

- (a) If a student, who is a valid domestic enrolment, is enrolled in a programme of study or training of more than 0.03 EFTS funded by us, you must keep accurate and up-to-date records specifying:
 - (i) the programme of study or training (including qualification(s) and course(s)) in which the student has been admitted or readmitted); and
 - (ii) the student's identity details, including the student's name, date of birth, citizenship, domestic or international student status, and residency status (if relevant); and

- (iii) if the student is enrolled in a programme of study or training leading to a qualification with an EFTS value of greater than 0.03 EFTS, whether you have verified the student's identity; and
 - (iv) whether you have verified that the student is a valid domestic enrolment and/or has the appropriate student visa; and
 - (v) the student's National Student Number (NSN); and
 - (vi) the student's previous academic achievement (if relevant); and
 - (vii) the receipt verifying that the student has paid, or has arranged to pay, his or her fees (if applicable); and
 - (viii) changes (if any) made to an enrolment; and
 - (ix) whether the student has Withdrawn from part of his or her programme of study or training, the date of the Withdrawal, and whether the Withdrawal was within the Withdrawal period; and
 - (x) whether a student has been expelled from part of his or her programme of study or training by you due to a breach of your Code of Conduct; and
 - (xi) whether a student is on a discretionary leave of absence greater than leave normally granted under your standard minimum attendance requirements; and
 - (xii) that the student is attending the programme of study in which they are enrolled, or is actively involved in the programme or course (student attendance record); and
 - (xiii) the period for which the student is enrolled.
- (b) You must retain each student's records described in paragraph 5.4(a) until:
- (i) at least two years after the completion of the education or training in which the student is enrolled; or
 - (ii) if a student Withdraws before the student has completed his or her education or training, at least two years after the date of Withdrawal.

5.5 No inducing enrolment

- (a) You must not secure or seek to secure an enrolment through offering an inducement.
- (b) Even if a student meets the criteria specified in paragraph 5.1, the enrolment is not a valid domestic enrolment if it has been secured by way of an inducement.
- (c) For the purposes of this Condition, an inducement includes any of the following, where it induces a student to enrol:
 - (i) a financial benefit to the student; or
 - (ii) a personal advantage to the student; or
 - (iii) a physical item that a student retains possession of after the course of study or training has ended.
- (d) For the purposes of this Condition, an inducement does not include:
 - (i) a scholarship, as defined below; or
 - (ii) a physical item that:
 - A. is essential for a student to complete the compulsory requirements of his or her programme of study (including printed course notes, an e-reader for course notes, course-related textbooks); and
 - B. cannot be returned and reused for students in subsequent intakes (for example, due to health and safety reasons; time-limited materials or materials that will be updated; or if it is not financially feasible); or

- (iii) an item or arrangement that has been approved by us (for example, we may approve an item that has minimal residual value or useful life in the general marketplace, or items that are needed for a student's pathway into the vocation for which study or training has been undertaken); or
- (iv) the guarantee of a job placement on the successful completion of a programme of study, backed by a partial or total money-back guarantee; or
- (v) a conditional offer of a partial refund (such as a refund for a timely or electronic enrolment).
- (e) For the purposes of this Condition, a scholarship means:
 - (i) a merit scholarship (or prize) that comprises financial aid given to a student as a result of high academic achievement exceeding that of his or her fellow students or cohort; and/or
 - (ii) a needs-based scholarship that comprises financial aid given to a student who would otherwise be significantly disadvantaged in accessing education, where the need of the student has been demonstrated through a robust application and assessment process; and/or
 - (iii) any scholarship that:
 - A. has a clear, focused rationale for its existence; and
 - B. has a clearly identified philanthropic aim, or supports study in a particular area of importance to the donor.

5.6 No private advantage

You must not restrict enrolment in a SAC Level 3+ Fund-funded programme or training scheme on the basis of private advantage (for example, restricting enrolment to your employees only).

5.7 Exceeding the total annual EFTS value of the qualification

You must not seek SAC Level 3+ Fund Funding in respect of a student enrolled in a course that leads to the award of a qualification if the result of enrolling the student in the course is that the total EFTS factors for all of the courses in which the student is enrolled in that year exceed the total annual EFTS value of the qualification, unless:

- (a) the student, in an exceptional circumstance (such as repeating a course that they previously have not passed), has elected to exceed total EFTS value of the qualification in that year; and
- (b) you can demonstrate that the EFTS factor sought for the course adequately reflects additional teaching input, rather than additional directed study.

5.8 Funding for EFTS factor of a course

You may only seek SAC Level 3+ Fund Funding for the EFTS factor of a course once in cases where a student's enrolment in the course can lead to the award of two (or more) qualifications for the student, unless you can demonstrate that additional EFTS value sought for the student's enrolment in the course adequately reflects additional teaching input or assessment that the student would not receive if his or her enrolment in the course could only lead to the award of one qualification.

5.9 Recognised prior learning

- (a) You must not seek SAC Level 3+ Fund Funding for recognised prior learning credited to a student. To ensure that you are able to comply with this Condition, you must:
 - (i) make any fees charged for recognition of prior learning clear to the student;
 - (ii) ask the student to specify prior learning they have undertaken;
 - (iii) review the information provided by the student when admitting a student into a programme or qualification;
 - (iv) retain documents that confirm that the student has demonstrated the required knowledge or skill;
 - (v) reduce the student's fees accordingly in proportion to the recognised prior learning they have undertaken; and

- (vi) adjust the course EFTS by Month in the SDR enrolment file so that you do not claim SAC Level 3+ Fund Funding for prior learning already credited to the student.
- (b) Recognised prior learning does not include repeated learning or training that the applicable quality assurance body requires students to undertake periodically. If you deliver repeated learning or training for the purpose of meeting quality assurance body requirements you must retain evidence that clearly identifies:
 - (i) the learning or training that the student was required to repeat to meet quality assurance body requirements;
 - (ii) the specific quality assurance body requirements;
 - (iii) that you have advised the student of the fees that you will charge for the repeated learning or training; and
 - (iv) that the student has agreed it is necessary to repeat the learning or training.

6. Programmes and qualifications

6.1 Approval of programmes and qualifications

You must only use SAC Level 3+ Fund Funding to deliver qualifications and courses that have been approved by us. To receive approval for a qualification, you must submit the relevant documents to us in accordance with the information on our website.

6.2 Minimum requirements

You must ensure that SAC Level 3+ Fund Funding is only used for a course that:

- (a) is part of a programme that:
 - (i) leads to the award of a qualification at Level 3 to 10 on the NZQF; and
 - (ii) has been quality assured by either NZQA or the NZVCC (where appropriate); or
- (b) is part of a training scheme that:
 - (i) leads to an award that is not a qualification listed on the NZQF; and
 - (ii) has been quality assured.

6.3 Health-related professional qualifications

- (a) You may use SAC Level 3+ Fund Funding for courses that are part of a programme leading to the award of a post-entry health-related professional qualification that:
 - (i) is of an academic or research nature; and
 - (ii) has a clinical component of 30% or less within the total qualification.
- (b) You must not use SAC Level 3+ Fund Funding for courses that are part of a programme leading to the award of a post-entry health-related professional qualification that has:
 - (i) a clinical component of more than 30% within the total qualification; and
 - (ii) either:
 - A. a requirement for clinical education and training; or
 - B. an emphasis on specialist clinical professional skills.

6.4 Health and safety or regulatory compliance learning

- (a) You must not use SAC Level 3+ Fund Funding to fund a programme of study or training where a majority of the programme of study or training relates to health and safety or regulatory compliance.
- (b) When determining whether a majority of the programme of study or training relates to health and safety or regulatory compliance, we will:

- (i) exclude courses from that calculation that are integral to the skills and knowledge recognised through the programme of study or training; and
- (ii) include the following courses in that calculation:
 - A. discrete short packages of health and safety or regulatory compliance learning (usually under 20 credits);
 - B. learning that displaces the responsibility of an employer to provide the necessary training for the mitigation of health and safety, and regulatory compliance risks; and
 - C. courses that contain learning about health and safety and/or regulatory compliance that will only lead to the completion of health and safety and/or regulatory compliance learning, rather than a whole programme of study or training.

6.5 Training schemes (including Certificates of Proficiency and Certificates of Personal Interest, and micro-credentials)

- (a) You must ensure that SAC Level 3+ Fund Funding is only used for:
 - (i) training schemes that have been approved by the applicable quality assurance body, approved by us as eligible for funding and added to the TEC Qualifications Register; and
 - (ii) training schemes, including Certificates of Proficiency (COPs), Certificates of Personal Interest (CPIs) and micro-credentials, that we have agreed to fund, that meet and continue to meet the criteria for funding that we set⁴, and that comply with any requirements that we set; and
 - (iii) a COP or a CPI if the COP or CPI is a generic qualification under which to record individual programmes of study that consist of courses or unit standards selected from approved qualifications.
- (b) You must ensure that, unless otherwise agreed by us, your delivery towards training schemes (including COPs, CPIs and micro-credentials) comprise no more than 5% (or the percent we have notified you of in writing) of the dollar value of your total delivery.

6.6 Making changes to qualifications

- (a) Before making a minor change to a qualification, you must:
 - (i) obtain approval for the minor change from the relevant quality assurance body (if required), that is:
 - A. NZQA, if you are a PTE or REAP provider; or
 - B. NZQA or your Academic Board, if you are an ITP or a wānanga; or
 - C. NZVCC, if you are a university; and
 - (ii) notify us of the change and provide the relevant information; and
 - (iii) obtain approval from us to update the course or qualification register.
- (b) Before making a significant change to a qualification, you must:
 - (i) obtain approval from the relevant quality assurance body;
 - (ii) provide the relevant information to us (including evidence of approval from the quality assurance body) to enable us to determine whether or not to approve the change; and
 - (iii) obtain approval from us to make the significant change.
- (c) For the purposes of this Condition:
 - (i) a “minor change” to a qualification is a change that does not change the size, level, core content, or EFTS value of the qualification; and

⁴ The criteria is set out on our website: <https://www.tec.govt.nz/funding/funding-and-performance/funding/fund-finder/student-achievement-component-provision-at-level-3-and-above-on-the-nzqf-fund/qualifications-and-courses/>

- (ii) a “significant change” to a qualification is a change to:
 - A. the EFTS value of the qualification; or
 - B. the total number of credits in the qualification; or
 - C. the timeframe to complete the qualification; or
 - D. the level of the qualification in the NZQF; or
 - E. in relation to ITPs, wānanga and PTEs:
 - the location or locations at which the qualification is delivered; or
 - a change to the delivery mode of the qualification; or
 - the number of courses that each student is expected to undertake to achieve the qualification; or
 - pre-requisite requirements.

6.7 Assigning EFTS values to qualifications

- (a) You must:
 - (i) use the following three methods to determine the EFTS value of a qualification:
 - A. credits or points;
 - B. learning hours; and
 - C. full-time teaching weeks; and
 - (ii) ensure that a qualification designed to be delivered within a year (being any 12 month period) is limited to a maximum of 1.0 EFTS, even if obtaining the qualification requires more than 120 credits, (1,200 notional hours of learning, over 34 full-time teaching weeks), unless we have approved an exception to this limit; and
 - (iii) provide us with information on the three methods of calculating the EFTS value (being credits or points, learning hours, and full-time teaching weeks) when you enter qualification details on our STEO website.
- (b) For the purposes of SAC Level 3+ Fund Funding, 1.0 EFTS equates to a programme of study or training that is 120 credits (1,200 notional learning hours delivered over 34 teaching weeks).
- (c) If you submit for approval for SAC Level 3+ Fund Funding a qualification that has two or more strands, you must propose an EFTS value for the qualification that is based on the strand that contains the highest number of credits that you are approved to deliver for the qualification. A strand is a combination of courses that leads to the award of a qualification.
- (d) For the purposes of this Condition and Condition 6.8, notional learning hours comprises of learning activities leading towards achievement of programme or qualification learning outcomes (planned by you and communicated by you to the student). Learning activities include but are not limited to:
 - (i) lecturer and tutor contact hours, including workshops and tutorials;
 - (ii) tests and assignments;
 - (iii) supervised practical placements;
 - (iv) study time;
 - (v) self-directed learning activities that the student is expected to engage with/participate in; and
 - (vi) examination periods.

6.8 Limit on EFTS values for qualifications

You must not assign an EFTS value of more than 1.0 EFTS per year to a qualification, for which you seek approval of SAC Level 3+ Fund Funding, unless you have received approval from us. In approving an exception to this Condition, we will consider additional criteria, including whether you:

- (a) will inform each student accurately about his or her higher than normal expected study commitments; and
- (b) have support mechanisms in place for each student who has difficulty coping with the intensity of the course.

6.9 Assigning course classifications

You must accurately assign each of your courses to a course classification listed in the “Course Classification Prescription” of Appendix 1 of the funding mechanism named *Determination of Design of Funding Mechanism: Student Achievement Component – Provision at Level 3 and above on the New Zealand Qualifications Framework*, available on our website.

6.10 Assigning course to a funding category

You must accurately assign each of your courses to a funding category listed in the “Funding Category tables” of Appendix 1 of the funding mechanism named *Determination of Design of Funding Mechanism: Student Achievement Component – Provision at Level 3 and above on the New Zealand Qualifications Framework*, available on our website.

7. Funding

7.1 Use of SAC Level 3+ Fund Funding

- (a) You must ensure that SAC Level 3+ Fund Funding is only used for the relevant programmes and activities at Level 3 and above on the NZQF which are specified in your approved Investment Plan (unless exempt) or equivalent arrangement. For the purposes of calculating the value of your approved SAC Level 3+ funded delivery, we use a metric comprising:
 - (i) the number of valid domestic enrolments measured in EFTS; and
 - (ii) the qualifications, and their component courses, in which students are enrolled, and the assigned course classifications, funding categories, and funding rates of those qualifications and component courses.
- (b) You may only claim SAC Level 3+ Fund Funding for a student who:
 - (i) is and continues to be for the length of the Funding Period, a valid domestic enrolment as described in paragraph 5.1(a); and
 - (ii) has completed 10% or one month of the course for which they have enrolled, whichever is the earlier. You must determine whether a student has completed 10% or one month of a course by calculating the number of sequential calendar whole days (including weekends and public holidays) from the start date of the course, rounding up to the nearest whole day.

7.2 Use of SAC Level 3+ Fund Funding for doctoral study

You must not claim SAC Level 3+ Fund Funding for more than a maximum EFTS value of 4 EFTS per doctorate per student for doctoral study at NZQF Level 10. If a student’s doctoral study exceeds the EFTS value of 4 EFTS, you must report the additional EFTS as non-funded delivery⁵.

⁵ We expect doctorate projects to be scoped for completion within two to three years and no more than four years.

7.3 Use of SAC Level 3+ Fund Funding for overseas travel

- (a) You must not use SAC Level 3+ Fund Funding to meet the costs of overseas travel for students, or require students to meet the cost of the travel by accessing the Student Loan Scheme, unless the overseas travel is academically essential. To determine whether overseas travel is academically essential, you must:
 - (i) submit an application to us at least two months before you advertise or publish any information about the course or accept enrolments; and
 - (ii) include a letter from the applicable quality assurance body, endorsing the essential nature of the travel component of the course; and
 - (iii) receive approval from us to include overseas travel as part of a course.
- (b) For the purposes of this Condition, the appropriate quality assurance body is the NZQA if you are an ITP, wānanga, PTE or REAP provider, and NZVCC if you are a university.
- (c) When determining whether or not overseas travel is academically essential, we will consider whether:
 - (i) the overseas travel is integrally linked to the stated outcomes of a course; and
 - (ii) the course is a compulsory requirement of a qualification and/or major; and
 - (iii) the academic outcomes for the course cannot be achieved in any other manner in New Zealand; and
 - (iv) the course or qualification is aligned to the Tertiary Education Strategy.

7.4 Provision of equipment, infrastructure and hardware

- (a) You must pay for the necessary equipment, infrastructure, and hardware required to deliver a particular course.
- (b) When providing essential equipment (including computers, diving hardware, and chainsaws), you must not:
 - (i) include the costs in any fee, compulsory course cost, or compulsory student service fee, charged to a student; or
 - (ii) require a student to meet the costs through the “course-related costs” component of the Student Loan Scheme as a condition of the student’s enrolment.
- (c) For the purposes of this Condition, “equipment, infrastructure, and hardware”:
 - (i) means items that can be used by successive intakes of students; and
 - (ii) does not include personal items that are provided for individual students’ use and that you do not retain for the next intake of students.

8. Fees-free tertiary education

- (a) You must not charge a student (that we have determined is eligible for fees-free tertiary education), an amount of fees otherwise payable by the student if we have advised you that we will:
 - (i) if you are a PTE, compensate you for that amount in respect of fees forgone as a result of this Condition; or
 - (ii) if you are not a PTE, pay you that amount in respect of fees on behalf of the student.
- (b) You must work collaboratively with us to give effect to the fees-free tertiary education initiative. In particular, you must provide information as required by us, to enable us to understand the EFTS consumption of eligible students, and in relation to fees.
- (c) Any fees in excess of the amount payable by us under paragraph (a) above may be charged by you to the student.

9. Fee limits

- (a) This Condition applies to fees and course costs (together referred to as “fees”) charged by you for a SAC Level 3+ Fund-funded course that is part of a programme that leads to a qualification at Level 3 or above on the NZQF. Fees associated with a particular course are subject to these Conditions if:
- (i) you are the sole source of the item to which the fee relates; and
 - (ii) all Domestic Students validly enrolled in the course are required to pay the fees.
- (b) For the purposes of Condition:
- (i) “fees” includes:
 - A. tuition fees; and
 - B. compulsory course costs, which may only include examination fees, material charges, costs of field trips, costs associated with the compulsory purchase of equipment or books through a TEO, and other charges associated with a course. The following items are not fees:
 - the cost of returning exam scripts or exam recounts;
 - international handling charges for Domestic Students living overseas and studying extramurally;
 - compulsory books or equipment that each student can purchase from either you or another source;
 - student service levies approved by your governing body;
 - accommodation charges other than those incurred on a field trip; and
 - bond payments.
 - (ii) “course” means a course that is:
 - A. part of a training scheme (including CPIs, COPs, and micro-credentials), certificate, diploma, degree, or postgraduate qualification; and
 - B. part of a programme that leads to a qualification listed at Level 3 or above on the NZQF, including professional masters programmes.

9.1 Annual Maximum Fee Movement (AMFM)

- (a) For 2020, the AMFM is a 2% increase on the fees (ex GST) charged in 2019 for a course at Level 3 and above on the NZQF for which you receive SAC Level 3+ Fund Funding, and which is part of a programme leading to qualifications listed on the NZQF.
- (b) If a course spans more than one calendar year, the applicable fee is the fee applying to the course in the calendar year in which the course started.
- (c) The fees to be used in calculating the AMFM are the highest fees charged to an intake of students.

9.2 Substitute courses

If you establish a course that is a substitute for an existing course (i.e., the course deals with the same or similar subject matter, at a same or similar level on the NZQF as an existing SAC Level 3+ Fund-funded course), the AMFM applies to that substitute course as if it was the existing course.

9.3 Calculating the AMFM

- (a) For the purposes of determining the fee to be used in calculating the AMFM, you must provide us with information about:
 - (i) the highest fee charged to a student;
 - (ii) the usual fee charged to a student; and
 - (iii) any discounted fees charged to a student.
- (b) If you discount your course fees for a calendar year, you must supply to us information about each discount.
- (c) You must report, in STEO, accurate information regarding the fees you are charging students.

9.4 Zero fee or low fee courses

- (a) If the fees for a SAC Level 3+ Fund-funded course that is part of a programme that leads to a qualification at Level 3 or above on the NZQF were less than \$511.11 (incl GST) (\$444.44 (ex GST)) per EFTS in 2019, then, for 2020, you may increase the fee up to \$511.11 (incl GST) (\$444.44 (ex GST)) per EFTS or increase the fees for the course by 2%, whichever is the greater.

9.5 Exceptions to the AMFM

- (a) You may apply for an exception from the 2020 AMFM on the basis of exceptional circumstances. Any exception granted will not exceed an additional 2% over and above the permitted 2% increase. In considering exceptional circumstances, we will apply the following criteria:
 - (i) you are unable to support the course(s) while remaining financially viable;
 - (ii) for a course which is part of a programme leading to a qualification at Levels 3-8 on the NZQF, the completion rate for the qualification met or exceeded the median performance benchmark for that level in the previous year;
 - (iii) you can demonstrate that the course is in some way unique or special (for example, there are no local alternatives to the course); and
 - (iv) not allowing the exception will prevent you from making a significant contribution to the achievement of one or more of the Government's priorities, as set out in the current Tertiary Education Strategy.An application must satisfy all criteria to gain an exception.

- (b) To apply for an exception, you must use templates specified on our website and send the application to our Customer Contact Group by the date specified by us on our website. Any submissions from student bodies should be received no later than one week after receipt of your application.

9.6 Refund for breach

If you breach the AMFM, you must refund the student the part of the fee that was overcharged. The refund must be given to the Ministry of Social Development (StudyLink), if the student paid for the course using the Student Loan Scheme, or to the student.

9.7 Fee setting limits for new courses

- (a) You must not set fees for a new course at Level 3 and above on the NZQF that are greater than the 75th percentile from the range of fees charged for similar courses (as determined by us).
- (b) Condition 9.7(a) does not apply to a substitute course as defined in Condition 9.2.

9.8 Exceptions to fee setting limits for new courses

- (a) You may apply for an exception from Condition 9.7(a) on the basis of exceptional circumstances. In considering exceptional circumstances, we will only have regard to the following criteria:
 - (i) the course is part of a programme of study that would be financially unviable without a higher fee;
 - (ii) where the course is part of a qualification at Levels 3 to 8 on the NZQF that has been delivered previously, the completion rate for the qualification met or exceeded the median performance benchmark for that level in the previous year;
 - (iii) you can demonstrate that the course is in some way unique or special, for example, there are no or very few similar courses to compare fees with; and
 - (iv) the course is aligned to Government priorities as set out in the Tertiary Education Strategy.
- (b) An application must satisfy all criteria to gain an exception.
- (c) If we grant an exception in respect of a course and we specify fees you may charge, you must not charge more fees than the fees we specify for that course.

10. Compulsory student services fee (CSSF)

If you charge a compulsory student services fee, you must comply with the requirements set out in sections 227A and 235D of the Education Act.

11. Minimum performance standards

You must meet any minimum performance standards specified by us, including any minimum performance standards specified in your Investment Plan.

12. Financial reporting

If your organisation is a TEI, you must use the TEI Financial Monitoring electronic templates that we will provide to you and supply the following information to us:

- (a) your Annual Report prepared in accordance with section 220 of the Education Act (including your financial statements and statement of service performance prepared in accordance with the Crown Entities Act 2004);
- (b) your three-year financial forecast; and
- (c) any other financial reports that we request.

13. Disclosure of data from Statistics New Zealand's Integrated Data Infrastructure

It is a Condition of funding that you consent, for the purposes of section 37A(a) of the Statistics Act 1975, to Statistics New Zealand disclosing information to the Ministry of Education and to us from its Integrated Data Infrastructure that identifies or may identify you.

The Statistics Act 1975 does not constrain the ongoing use or sharing of your TEO-level data once it is disclosed.

14. Benchmarking

If you are a TEI, you must participate as appropriate in benchmarking, including:

- (a) providing the vendor with financial and performance information as requested, in a timely manner;
- (b) engaging with the vendor over follow-up questions and related quality assurance processes, in a timely manner; and
- (c) contributing to the cost of the agreement between us and the vendor, at a rate we determine.

15. Subcontracting

- (a) You must not subcontract any of the funded activities without our prior written consent.
- (b) You:
 - (i) must comply with any conditions imposed by us on the consent to subcontract; and
 - (ii) must ensure that the subcontracted party does not further subcontract any functions; and
 - (iii) will remain accountable to us for the use of the SAC Level 3+ Fund Funding.

16. Repayment of SAC Level 3+ Fund Funding

- (a) If you receive SAC Level 3+ Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:
 - (i) is repayable on demand; and
 - (ii) may be set-off against all or any funding, or any sum of money payable by us to you.
- (b) For the purposes of this Condition, you will have received SAC Level 3+ Fund Funding that was “greater than it should have been” if the total dollar value of the provision that was delivered by you within the funding year is less than 99% of the total dollar value for provision paid to you from SAC Level 3+ Fund Funding. In that situation, the percentage of funding that is repayable is equal to the difference between the bottom of the tolerance band (99%) and the percentage value of the provision that was delivered.

17. Suspension, revocation or withdrawal of SAC Level 3+ Fund Funding

If we suspend, revoke or withdraw some or all of your SAC Level 3+ Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

TEO-led Workplace Literacy and Numeracy



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TEO-led Workplace Literacy and Numeracy

Purpose of Fund

The purpose of funding literacy and numeracy provision is to:

- (a) raise adults' literacy and numeracy skills; and
- (b) increase opportunities for adults to engage in literacy and numeracy learning, particularly for those in low-skilled employment; and
- (c) improve the quality and relevance of provision, including the ability to identify learner need and learning gain.

The purposes of the Workplace Literacy and Numeracy (WLN) Fund are to:

- (a) increase the literacy and numeracy skills of employees; and
- (b) contribute to workplace productivity through the provision and evaluation of literacy and numeracy learning in a workplace context.

The purposes can be achieved by:

- (a) providing programmes of workplace literacy and numeracy training to employees; and
- (b) supporting workplaces to establish workplace literacy and numeracy provision.

The WLN Fund has two funding strands: the TEO-led strand and the Employer-led strand.

The following Conditions apply, under section 159YC of the Education Act, to the Literacy and Numeracy Provision – Workplace Literacy and Numeracy Fund, TEO-led strand (WLN Fund – TEO-led strand) Funding you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

- (a) You must continue to be:
 - (i) a tertiary education institution (TEI), namely:
 - A. a university;
 - B. an institute of technology and polytechnic (ITP);
 - C. a wānanga; or
 - (ii) a private training establishment (PTE); or
 - (iii) a state or state-integrated school.
- (b) You must:
 - (i) have in place an effective assessment process for identifying each learner's initial literacy and numeracy need and measuring their progress, using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool¹; and
 - (ii) continue to be quality assured by:
 - A. the New Zealand Qualifications Authority (NZQA), if you are an ITP, PTE or wānanga; or
 - B. the New Zealand Vice-Chancellors' Committee (NZVCC), if you are a university; or
 - C. the Education Review Office (ERO), if you are a state or state-integrated school.

¹ Including Adult, Youth, Te Ata Hāpara and Starting Points, as appropriate.

2. Learner eligibility

- 2.1 You must ensure that WLN Fund – TEO-led strand Funding is only used for a learner who:
- (a) is a Domestic Student; and
 - (b) has low skill levels in literacy, numeracy, or literacy and numeracy, as determined by us; and
 - (c) is in the paid workforce; and
 - (d) is not:
 - (i) enrolled as a full-time student at a tertiary education organisation (TEO); or
 - (ii) enrolled as a full-time secondary school student; or
 - (iii) accessing TEC-funded literacy, numeracy, or literacy and numeracy, provision at another TEO or workplace; or
 - (iv) enrolled in an industry training programme at Level 4 or above on the New Zealand Qualifications Framework (NZQF); or
 - (v) enrolled in a New Zealand Apprenticeship.
- 2.2 For the purposes of this Condition, a learner is considered to have a low skill level in literacy, numeracy, or literacy and numeracy if the learner:
- (a) has fewer than 80 credits on the NZQF (or equivalent); or
 - (b) has more than 80 credits on the NZQF (or equivalent), and the learner has fewer than 12 credits in literacy and/or numeracy in unit standards and/or achievement standards (or equivalent); or
 - (c) is assessed using the Literacy and Numeracy for Adults Assessment Tool and presents at Step 3 or below on the Learning Progressions for reading, and/or Step 4 or below on the Learning Progressions for numeracy.
- 2.3 You must ensure that, for the length of the Funding Period, the learner continues to meet the eligibility criteria (except the criterion in clause 2.1(b) above).

3. Verification of learner eligibility

3.1 You must verify that each learner enrolled in a programme of study or training meets the eligibility criteria as specified in Condition 2.1 by sighting the relevant documents specified below for the type of learner:

Type of learner	Verification methods
A New Zealand citizen	<p>You must:</p> <ol style="list-style-type: none">confirm the learner’s citizenship status using the learner’s National Student Number (NSN); orreceive an assertion through <u>RealMe®</u> that the learner was born in New Zealand (prior to 2005); orsight an original or certified copy of one or more of the following documents:<ol style="list-style-type: none">a New Zealand birth certificate; ora New Zealand passport; ora New Zealand certificate of citizenship; orif a learner is unable to obtain a birth certificate for the purposes of (c)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none">a passport with a current returning residency class visa (a passport with a visa label); ora passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); ora certificate of identity from Immigration New Zealand if the learner is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ol style="list-style-type: none">an Australian birth certificate issued before 20 August 1986; oran Australian passport; ora passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>

You must follow the process set out in paragraph 3.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 3.2 For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4. Verification of learner identity

- 4.1 You must verify the identity of each learner enrolled in a programme of study or training by doing one or more of the following, and confirm whether the learner is who they say they are:
- (a) confirming that all data fields match the learner's NSN; or
 - (b) receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - (c) sighting the original or certified copy of a current passport; or
 - (d) sighting the original or certified copy of one or more of the following documents:
 - (i) a birth certificate; or
 - (ii) a certificate of identity; or
 - (iii) a New Zealand certificate of citizenship; or
 - (iv) an expired passport that has not been cancelled; or
 - (v) a current New Zealand driver licence; or
 - (vi) a current New Zealand firearms licence.or
 - (e) If a learner is unable to obtain a birth certificate for the purposes of (d)(i) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumātua is acceptable evidence of identity.

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- 4.2 For the purposes of this Condition a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
- (a) be certified by an official of the issuing authority authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act 1957 (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
 - (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

5. Programme eligibility

- (a) You must only use WLN Fund – TEO-led strand Funding for a programme of training that for the length of the Funding Period:
 - (i) provides literacy, numeracy, or literacy and numeracy, training that is specific, rather than embedded within the programme; and

- (ii) provides high-quality literacy, numeracy, or literacy and numeracy, study or training that represents value for money; and
 - (iii) is effective and innovative in improving each learner’s workplace literacy, numeracy, or literacy and numeracy, skills, to meaningfully engage in the workplace and New Zealand society; and
 - (iv) is able to be tailored to meet the needs of an individual learner; and
 - (v) has adequate processes for reporting on a learner’s progress in improving literacy, numeracy, or literacy and numeracy skills; and
 - (vi) is provided by a tutor who holds an appropriate qualification as determined by us.
- (b) In addition to the requirements in paragraph (a), if you are a TEO that works with a specific employer, you must only use WLN Fund – TEO-led strand Funding for a programme of workplace training if the programme:
- (i) provides high-quality literacy, numeracy, or literacy and numeracy study or training, that is tailored to the needs of the workplace; and
 - (ii) contributes to the development of sustainable employee literacy and numeracy practices within the workplace; and
 - (iii) has targeted literacy, numeracy, or literacy and numeracy, outcomes that reflect the priorities and needs of the workplace; and
 - (iv) has the support of the employer’s senior management.

6. Hours and intensity of delivery

- (a) The total hours of literacy, numeracy, or literacy and numeracy tuition you deliver per learner must be between 25 and 80 hours.
- (b) The literacy, numeracy, or literacy and numeracy, tuition you provide must be delivered at the intensity of 40 hours over a 10 to 40 week period.

7. Fees

You must not charge a fee to a learner who is participating in a programme of workplace training for which you receive WLN Fund – TEO-led strand Funding.

8. Reports

8.1 You must submit:

- (a) a progress report for the period 1 January to 31 May no later than 10 working days after 31 May; and
- (b) a progress report for the period 1 January to 30 September no later than 8 working days after 30 September; and
- (c) a final report for the period 1 January to 31 December no later than 31 January of the following year.

8.2 Each progress report and the final report must:

- (a) be submitted in accordance with the template that we will provide to you; and
- (b) relate to the specific delivery commitments outlined in your Investment Plan; and
- (c) include the following information:
 - (i) the number of learners enrolled in each WLN programme of study or training; and
 - (ii) learner enrolment information, including:
 - A. the NSN; and

- B. tuition hours delivered (actual attendance); and
 - C. remaining tuition hours planned (if any); and
 - D. demographic information; and
 - E. regional information; and
 - F. literacy and numeracy information; and
 - G. the enrolment start and finish dates for each learner enrolled in each WLN programme of study or training during the period covered by the report; and
- (iii) the name of the business in which the learner is employed.

9. Subcontracting

You must:

- (a) not subcontract any of the funded activities without prior written consent from us; and
- (b) comply with any conditions imposed by us on a consent to subcontract; and
- (c) ensure that the subcontracted party does not further subcontract any functions; and
- (d) remain accountable to us for the use of the WLN Fund – TEO-led strand Funding.

10. Repayment of WLN Fund – TEO-led strand Funding

10.1 If you receive WLN Fund – TEO-led strand Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

10.2 For the purposes of this Condition, we will determine whether you have received WLN Fund – TEO-led strand Funding that was greater than it should have been by subtracting the total number of tuition hours delivered in the calendar year (based on actual attendance) from the hours approved in Appendix 1 of your Funding Confirmation Letter.

For example:

4,000 hours allocated

3825 hours of tuition delivered

Therefore, 4000 – 3,825 = 175 hours under-delivered

175 hours x \$76.35 = \$13,361.25

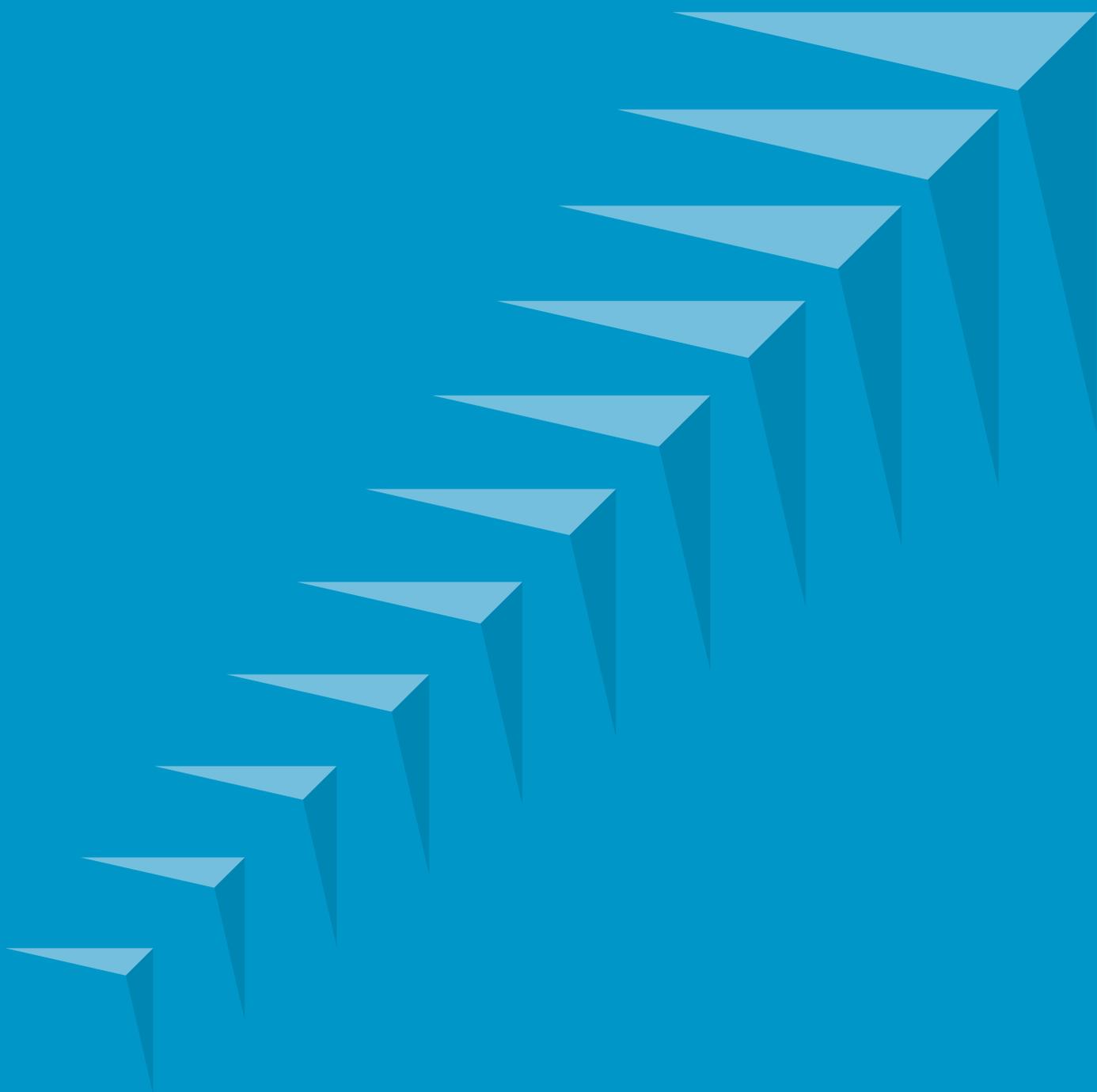
\$13,361.25 to be recovered

11. Suspension, revocation or withdrawal of WLN Fund – TEO-led strand Funding

If we suspend, revoke or withdraw some or all of your WLN Fund – TEO-led strand Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand by us; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Wānanga Research Capability Fund



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Wānanga Research Capability Fund

Purpose of Fund

The purpose of the Wānanga Research Capability (WRC) Fund is to provide funding for building research capability within the wānanga sector, particularly within the area of mātauranga Māori (Māori knowledge).

The following Conditions apply, under section 159YC of the Education Act, to the Wānanga Research Capability Fund (WRC Fund) Funding you receive for the Funding Period in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1. Organisation eligibility

You must continue to be a wānanga for the length of the Funding Period.

2. Annual report information

You must:

- (a) include information on your use of the WRC Fund Funding in your annual report in accordance with section 220(2A)(f) of the Education Act; and
- (b) provide your annual report to us when you provide the report to the Minister of Education in accordance with section 220 of the Education Act.

3. Repayment of WRC Fund Funding

If you receive WRC Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

4. Suspension, revocation or withdrawal of WRC Fund Funding

If we suspend, revoke or withdraw some or all of your WRC Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown that is:

- (a) repayable on demand; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Youth Guarantee



Youth Guarantee

Purpose of fund

The purpose of Youth Guarantee Provision Fund Funding (YG Fund) is to provide fees-free tertiary places for:

- (a) eligible Domestic Students aged 16 to 19 years (inclusive) who are studying towards either the National Certificate of Educational Achievement (NCEA) Level 1, 2 or 3 aligned to the Vocational Pathways, or another qualification at Level 1, 2 or 3 on the New Zealand Qualifications Framework (NZQF), which is intended to enable learners to progress to higher-level education or employment; and
- (b) eligible Domestic Students aged 16 to 19 years (inclusive) who are studying towards a qualification at Level 3 on the NZQF. Places at Level 3 on the NZQF are intended to be prioritised to learners who study towards Level 1 and 2 qualifications in Youth Guarantee and progress to Level 3 study during their entitlement of two equivalent full-time students (EFTS), and to learners who have no or low (Level 1) prior achievement before enrolling in Youth Guarantee.

“Aligned to the Vocational Pathways” means all the achievement and unit standards in a programme are either sector-related or recommended standards from the Vocational Pathways. NCEA Level 2 programmes aligned to the Vocational Pathways must lead to at least one Vocational Pathway Award.

Flexible funding

- (a) We will allocate you additional YG Fund funding to that specified in your Funding Confirmation Letter if:
 - (i) you are a “qualifying tertiary education organisation (TEO)”, which means you:
 - (A) have a New Zealand Qualifications Authority (NZQA) External Evaluation and Review (EER) rating of Category 1 or 2¹; and
 - (B) are approved by us to receive a minimum of \$219,888 from the YG Fund; and
 - (C) have an average 2019 course completion rate of 55% or higher; and
 - (ii) the value of provision you actually deliver as measured in dollars (as determined by us), is greater than the value of your approved funding allocation.
- (b) The additional funding available to be allocated is up to the following limits, either:
 - (i) 2% of your approved funding allocation; or
 - (ii) 10 EFTS (we will calculate 10 EFTS of delivery using the average EFTS rate of your total actual delivery (funded and unfunded), as determined by us);whichever is greater.
- (c) We may establish criteria to allocate funding above the additional funding limits described in (b) if we have assessed that we have sufficient funding available to provide funding above those limits.

The following Conditions apply, under section 159YC of the Education Act, to the YG Fund Funding that you receive for the Funding Period, in addition to the Base Funding Conditions set out in this Funding Conditions Catalogue, and the Conditions in the Education Act.

1 EER is to be the highest published EER category for the TEO during the funding year to which flexible funding is being applied.

1. Organisation eligibility

- (a) You must continue to be:
 - (i) an institute of technology and polytechnic (ITP);
 - (ii) a wānanga;
 - (iii) a private training establishment (PTE); or
 - (iv) a state school or state-integrated school that has been funded by us for YG provision since 2011.
- (b) You must continue to be quality assured by:
 - (i) the NZQA, if you are an ITP, a wānanga or a PTE; or
 - (ii) the Education Review Office, if you are a state or state-integrated school.

2. Single Data Return (SDR)

- (a) You must:
 - (i) supply to us information about each student enrolled in a course by completing the fields in the SDR in accordance with the SDR Manual and its appendices; and
 - (ii) submit the information on or before the date we specify.
- (b) You must submit the SDR through the Services for Tertiary Education (STEO) website. For more information, please refer to the SDR Manual and SDR Appendices.

3. Withdrawal of enrolments

3.1 Withdrawal date for ITPs and wānanga

- (a) You may set a Withdrawal date, being the specified period during which a student can Withdraw and receive a full refund of any compulsory student services fees (CSSF), provided that date is not earlier than the Withdrawal date in paragraph (b).
- (b) If you do not set a Withdrawal date, the Withdrawal date will be the date on which 10% (rounded up to the nearest day) or one calendar month of the course for which a student is enrolled has passed, whichever is the smaller. The Withdrawal date must be determined by calculating the number of sequential calendar whole days (including weekends and public holidays) from the start date of the course.

3.2 Withdrawal dates for PTEs

If you are a PTE, you must comply with the Withdrawal dates and refund period entitlements set out in sections 234C to 235D of the Education Act.

3.3 Reporting Withdrawals to the Ministry of Social Development (StudyLink)

In addition to any other Conditions requiring you to report Withdrawals of enrolments, you must report the Withdrawals of students to the Ministry of Social Development (StudyLink) within 5 working days of each Withdrawal. This is to enable student loans and student allowances to be cancelled as soon as possible.

3.4 Other obligations to report Withdrawals

For the avoidance of doubt, completing the SDR does not discharge your other obligations to report Withdrawals.

3.5 Refunding compulsory student services fees (CSSF) for Withdrawals

If CSSF are to be refunded to a student, you must, as soon as reasonably practicable, pay the refund:

- (a) to the Ministry of Social Development, if the student paid the CSSF using the Student Loan Scheme; or
- (b) directly to the student.

4. Use of YG Fund Funding for eligible students

4.1 Student eligibility

- (a) For the purposes of this Condition 1.0 EFTS is defined as the student workload that would normally be carried out by a student enrolled full time in a single academic calendar year. For the purposes of this Condition we have defined 1.0 EFTS as:
 - (i) 100 credits (1,000 notional hours of learning and 34 full-time teaching weeks) for Youth Guarantee programmes leading to a Level 1 and/or 2 qualification; and
 - (ii) 120 credits (1,200 notional hours of learning, and 34 full-time teaching weeks) for Youth Guarantee programmes leading to a Level 3 qualification.
- (b) You must ensure that a student enrolled in a Youth Guarantee programme for which YG Fund Funding is being used is a student who meets and continues to meet the following eligibility criteria:
 - (i) a Domestic Student; and
 - (ii) studying at least 50% of a full-time, full-year enrolment (unless an exception to this criterion, that has been specified by us, applies); and
 - (iii) not enrolled in secondary school; and
 - (iv) is either:
 - A. aged 16 to 19 years (inclusive) at the time they commence the Youth Guarantee programme; or
 - B. 15 years of age at the time they commence the Youth Guarantee programme, and has an early leaving exemption from their school.
- (c) You must not enrol a student in a Youth Guarantee programme if that student has already:
 - (i) achieved a qualification at Level 3 or above on the NZQF; or
 - (ii) received two EFTS of Youth Guarantee provision, or the student would, if enrolled by you, exceed two EFTS of Youth Guarantee provision during the period of that enrolment unless an exception, that has been specified by us, applies.
- (d) If you receive YG Fund Funding for Youth Guarantee provision at Level 3 on the NZQF, you must give priority to Level 3 provision to:
 - (i) students with no or low (Level 1) prior achievement; and
 - (ii) students who have completed a Level 1 or Level 2 qualification through a Youth Guarantee provision programme.
- (e) You must not claim funding in relation to a student enrolled in a programme eligible for YG Fund Funding if:
 - (i) that student has already achieved a qualification at Level 1 or 2 on the NZQF ; and
 - (ii) 10% or more of the students for which you receive YG Fund Funding in the calendar year had, at the time of their enrolment, already achieved a qualification at Level 1 or 2.
- (f) You must not enrol a student in more than:
 - (i) 1.2 EFTS of Level 1 and/or 2 Youth Guarantee qualification provision in any calendar year; and
 - (ii) 1.0 EFTS of level 3 Youth Guarantee qualification provision in any calendar year.
- (g) We may recover funding if you enrol a student in breach of this Condition.

4.2 Verification of student eligibility

You must verify a student’s eligibility for enrolment. For the following types of students, you must use one of the following verification methods below, and assess whether the student meets the eligibility criteria as specified in Condition 4.1:

Type of student	Verification methods
A New Zealand citizen	<p>You must:</p> <ul style="list-style-type: none"> (a) confirm the student’s citizenship status using the student’s National Student Number (NSN); or (b) receive an assertion through <u>RealMe®</u> that the student was born in New Zealand (prior to 2005); or (c) if the student is in prison at the time of enrolment, receive a completed and signed Department of Corrections “Verification of legal name and New Zealand residency status” form relating to the student; or (d) sight an original or certified copy of one or more of the following documents: <ul style="list-style-type: none"> (i) a New Zealand birth certificate; or (ii) a New Zealand passport; or (iii) a New Zealand certificate of citizenship; or (e) if a student is unable to obtain a birth certificate for the purposes of (d)(i) above, contact us to confirm whether a whakapapa statement signed by both the student and a kaumātua is acceptable evidence of citizenship.
A New Zealand resident	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none"> (a) a passport with a current returning residency class visa (a passport with a visa label); or (b) a passport, and letter or email, confirming current returning residency class visa (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate); or (c) a certificate of identity from Immigration New Zealand if the student is a refugee.
An Australian citizen or Australian permanent resident currently residing in New Zealand	<p>You must sight an original or certified copy of one or more of the following documents:</p> <ul style="list-style-type: none"> (a) an Australian birth certificate issued before 20 August 1986; or (b) an Australian passport; or (c) a passport with a current Australian resident return visa.
A dependant of diplomatic personnel	<p>You must sight the original or certified copy of an authorised form from the Ministry of Foreign Affairs and Trade.</p>

You must follow the process set out in paragraph 3.1 unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

For the purposes of this Condition, a certified copy is a photocopy, photograph, or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:

- (a) be certified by an official of the issuing authority or a person authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act (New Zealand) to make a statutory declaration, such as a Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court, or a court official (Court Registrar or Deputy Registrar); and
- (b) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4.3 Verification of student identity

- (a) You must verify the identity of each student enrolled in a programme or programmes of study or training by doing one of the following, and assessing whether the student is who they say they are:
 - (i) confirming that all data fields match the student's NSN; or
 - (ii) receiving an assertion through the Department of Internal Affairs' [RealMe®](#) online identity verification service; or
 - (iii) sighting the original or certified copy of a current passport; or
 - (iv) sighting the original or certified copy of one or more of the following documents:
 - A. a birth certificate; or
 - B. a certificate of identity; or
 - C. a New Zealand certificate of citizenship; or
 - D. an expired passport that has not been cancelled.

You must follow the process set out in this paragraph unless the TEC is satisfied that there are special circumstances that justify using an alternative process, and authorises you in writing to follow a different process specified by the TEC.

- (b) If a student is unable to obtain a birth certificate for the purposes of (a)(iv)(A) above, you may contact us to confirm that a whakapapa statement signed by both the student and a kaumātua is acceptable evidence of identity.
- (c) For the purposes of this Condition, a certified copy is a photocopy, photograph or scanned copy that has been endorsed as a true copy of the original. To be certified, the document must:
 - (i) be certified by an official of the issuing authority or a person authorised by section 9(1)(a) to (h) of the Oaths and Declarations Act (New Zealand) to take a statutory declaration, such as a Justice of the Peace, a person who is enrolled as a barrister and solicitor of the High Court or a court official (Court Registrar or Deputy Registrar); and
 - (ii) have the official's signature on each page, with the name and title of the official shown clearly below his or her signature.

4.4 Enrolment records for eligible students

You must:

- (a) keep accurate and up-to-date records of each valid domestic enrolment of an eligible student enrolled in a programme of study or training of more than 0.03 EFTS funded by us specifying:
 - (i) the programme of study or training (including qualification(s) and course(s) in which the student has been admitted or readmitted); and
 - (ii) the student's identity details, including the student's name, date of birth, citizenship, domestic student status, and residency status (if relevant); and
 - (iii) whether you have verified the student's identity; and
 - (iv) whether you have verified that the student is an eligible student enrolment; and
 - (v) the student's National Student Number (NSN); and
 - (vi) the student's previous academic achievement (if relevant); and

- (vii) the receipt verifying that the student has paid or has arranged to pay his or her CSSF (if applicable); and
 - (viii) changes (if any) made to an enrolment; and
 - (ix) whether the student has withdrawn from part of his or her programme of study or training, and the date of the withdrawal; or
 - (x) whether a student has been expelled from part of his or her programme of study or training by you due to a breach of your Code of Conduct; and
 - (xi) whether a student is on a discretionary leave of absence greater than leave normally granted under your standard minimum attendance requirements; and
 - (xii) that the student is attending the programme of study in which he or she is enrolled, or is actively involved in the programme or course (student attendance record); and
 - (xiii) the period for which the student is enrolled (including last date of attendance); and
- (b) retain each student's records described in paragraph 4.4(a) until:
- (i) at least two years after the completion of the education or training in which the student is enrolled; or
 - (ii) if a student withdraws before the student has completed his or her education or training, at least two years after the date of withdrawal.

4.5 No inducing enrolment

- (a) You must not secure or seek to secure an enrolment through offering an inducement.
- (b) Even if a student meets the criteria specified in paragraph 4.1, the enrolment is not a valid enrolment if it has been secured by way of an inducement.
- (c) For the purposes of this Condition, an inducement includes any of the following, where it induces a student to enrol:
 - (i) a financial benefit to the student; or
 - (ii) a personal advantage to the student; or
 - (iii) a physical item that a student retains possession of after the course of study or training has ended.
- (d) For the purposes of this Condition, an inducement does not include:
 - (i) a scholarship, as defined below; or
 - (ii) a physical item that:
 - A. is essential for a student to complete the compulsory requirements of his or her programme of study (including printed course notes, an e-reader for course notes, course-related textbooks); and
 - B. cannot be returned and reused for students in subsequent intakes (for example, due to health and safety reasons; time-limited materials or materials that will be updated; or if it is not financially feasible); or
 - (iii) an item or arrangement that has been approved by us (for example, we may approve an item that has minimal residual value or useful life in the general marketplace, or items that are needed for a student's pathway into the vocation for which study or training has been undertaken); or
 - (iv) the guarantee of a job placement on the successful completion of a programme of study, backed by a partial or total money-back guarantee; or
 - (v) a conditional offer of a partial refund (such as a refund for a timely or electronic enrolment).
- (e) For the purposes of this Condition, a scholarship means:
 - (i) a merit scholarship (or prize) that comprises financial aid given to a student as a result of high academic achievement exceeding that of his or her fellow students or cohort; and/or

- (ii) a needs scholarship that comprises financial aid given to a student who would otherwise be significantly disadvantaged in accessing education, where the need of the student has been demonstrated through a robust application and assessment process; and/or
- (iii) any scholarship that:
 - A. has a clear, focused rationale for its existence; and
 - B. has a clearly identified philanthropic aim, or supports study in a particular area of importance to the donor.

4.6 Funding for EFTS factor of a course

You may only seek Youth Guarantee Fund Funding for the EFTS factor of a course once unless, in cases where a student's enrolment in the course can lead to the award of two (or more) qualifications for the student, you can demonstrate that the additional EFTS value sought for the student's enrolment in the course adequately reflects additional teaching input or assessment that the student would not receive if his or her enrolment in the course could only lead to the award of one qualification.

4.7 Recognised prior learning

- (a) You must not seek YG Fund Funding for recognised prior learning credited to a student. To ensure that you are able to comply with this Condition, you must ask a student to specify prior learning he or she has undertaken;
 - (i) make any fees charged for recognition of prior learning clear to the student;
 - (ii) ask the student to specify prior learning he or she has undertaken;
 - (iii) review the information provided by the student when admitting a student into a programme or qualification;
 - (iv) retain documents that confirm that the student has demonstrated the required knowledge or skill; and
 - (v) adjust the course EFTS by Month in the SDR enrolment file so that you do not claim YG Fund Funding for prior learning already credited to the student.
- (b) Recognised prior learning does not include repeated learning undertaken that the applicable quality assurance body requires students to repeat periodically (eg, First Aid Certificates). If you deliver repeated learning or training for the purpose of meeting quality assurance body requirements, you must retain evidence that clearly identifies:
 - (i) the learning or training that was required to meet quality assurance body requirements;
 - (ii) the specific quality assurance body requirements; and
 - (iii) that you have advised the student of the fees that you will charge for the repeated learning or training; and
 - (iv) that the student has agreed it is necessary to repeat the learning or training.

5. Programmes and qualifications

5.1 Approval of programmes and qualifications

You must:

- (a) only use YG Fund Funding to deliver qualifications and courses that have been approved by us. To receive approval for a qualification, you must submit the relevant documents to us in accordance with the information on our website; and
- (b) ensure that YG Fund Funding is only used for a course that is part of a programme that has been quality assured by NZQA.

5.2 Minimum requirements

- (a) You must only use YG Fund Funding for Youth Guarantee provision, in which eligible students are enrolled, that:
 - (i) leads to the award of a qualification that is either:
 - A. NCEA at Level 1, 2 or 3; or
 - B. another National or New Zealand Certificate at Level 1, 2 or 3 on the NZQF; and
 - (ii) includes literacy and numeracy provision; and
 - (iii) comprises part of a recognised pathway (as determined by the NZQA) towards one or more vocational qualifications at Level 4 and above on the NZQF; and
 - (iv) if it leads to a Level 1 or 2 NCEA qualification, is aligned to the Vocational Pathways; and
 - (v) is provided by tutors who are appropriately qualified.
- (b) Youth Guarantee programmes must be delivered face-to-face (for example, not delivered via distance learning or in a work-based setting).

5.3 Making changes to qualifications

- (a) Before making a minor change to a qualification, you must:
 - (i) obtain approval for the minor change from the relevant quality assurance body (if required), that is:
 - A. NZQA, if you are a PTE; or
 - B. NZQA or your Academic Board, if you are an ITP or a wānanga; and
 - (ii) notify us of the change and provide the relevant information; and
 - (iii) obtain approval from us to update the course or qualification register.
- (b) Before making a significant change to a qualification, you must:
 - (i) obtain approval from the relevant quality assurance body (as outlined in 5.3(a)(i)(A) and (B));
 - (ii) provide the relevant information to us (including evidence of approval from the quality assurance body) to enable us to determine whether or not to approve the change; and
 - (iii) obtain approval from us to make the significant change.
- (c) For the purposes of this Condition:
 - (i) a “minor change” to a qualification is a change that does not change the size, level, core content, or EFTS value of the qualification; and
 - (ii) a “significant change” to a qualification is a change to:
 - A. the EFTS value of the qualification; or
 - B. the total number of credits in the qualification; or
 - C. the timeframe to complete the qualification; or
 - D. the level of the qualification in the NZQF; or
 - E. in relation to ITPs, wānanga and PTEs:
 - the location or locations at which the qualification is delivered; or a change to the delivery mode of the qualification; or
 - the number of courses that each student is expected to undertake to achieve the qualification; or
 - pre-requisite requirements.

5.4 Assigning EFTS values to qualifications

- (a) You must:
 - (i) use the following three methods to assign the EFTS value of a qualification:
 - A. credits; and
 - B. learning hours; and
 - C. full-time teaching weeks; and
 - (ii) provide us with information on the three methods of assigning EFTS values (being credits, learning hours, and full-time teaching weeks) when you enter qualification details on our STEO website.
- (b) For the purposes of this Condition 1.0 EFTS equates to a programme of study or training that is 120 credits or 1200 notional hours of learning and delivered over 34 teaching weeks.
- (c) If you submit a qualification for approval for YG Fund Funding that has two or more strands, you must propose an EFTS value for the qualification that is based on the strand that contains the highest number of credits that you are approved to deliver for the qualification. A strand is a combination of courses that leads to the award of a qualification.
- (d) For the purposes of this Condition, learning hours comprises of learning activities leading towards achievement of programme or qualification learning outcomes (planned by you and communicated by you to the student). Learning activities include but are not limited to:
 - (i) lecturer and tutor contact hours, including workshops and tutorials; and
 - (ii) tests and assignments; and
 - (iii) supervised practical placements; and
 - (iv) study time; and
 - (v) self-directed learning activities that the student is expected to engage with/participate in; and
 - (vi) examination periods.

5.5 Limit on EFTS values for qualifications

- (a) You must not assign an EFTS value of more than 1.0 EFTS per year to a qualification, for which you seek approval of YG Fund Funding, unless you have received approval from us. In approving an exception to this Condition, we will consider additional criteria, including whether you:
 - (i) will inform each student accurately about his or her higher than normal expected study commitments; and
 - (ii) have support mechanisms in place for each student who has difficulty coping with the intensity of the course.
- (b) We will only approve an exception to this Condition if the qualification is at Level 3 on the NZQF.

6. Literacy and Numeracy Assessment Tool

You must have in place an effective assessment process for identifying each student's initial literacy and numeracy needs and measure their progress using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool (including Adult, Youth, Te Ata Hāpara and Starting Points).

7. Fees

- (a) You must:
 - (i) not charge any tuition fees or compulsory course costs to a student;
 - (ii) pay for the necessary equipment, infrastructure and hardware required to deliver a particular programme; and
 - (iii) in relation to the provision of essential equipment, including computers, not require the costs to be met through the “course-related costs” component of the Student Loan Scheme.
- (b) For the purposes of this Condition, “equipment, infrastructure and hardware”:
 - (i) means items that can be used by successive intakes of students; and
 - (ii) does not include personal items that are provided for individual students’ use and that you do not retain for the next intake of students.

8. Claiming Youth Guarantee Fund Funding

You may only claim Youth Guarantee Fund Funding for a student who:

- (a) is a valid domestic enrolment as described in Condition 4.1; and
- (b) has completed 10% or one calendar month of the course for which they have enrolled, whichever is the earlier. You must determine whether a student has completed 10% or one month of a course by calculating the number of sequential calendar whole days (including weekends and public holidays) from the start date of the course, rounding up to the nearest whole day.

9. TEO not to over-deliver Level 3 EFTS

- (a) If you have been allocated YG Fund Funding to deliver qualifications of Level 3 on the NZQF, you must not exceed that allocation.
- (b) If you deliver more provision at Level 3 on the NZQF than that which you have been allocated, we may recover YG Fund Funding for the amount of provision that you have over-delivered.

10. Travel assistance funding

Travel assistance funding is the travel subsidy of \$814 per EFTS and the Exceptional Circumstances Transport Assistance Fund (ECTA Fund) Funding.

The purpose of the travel subsidy (being a component of the YG Fund trade and non-trade funding rate per EFTS) is to support the travel costs associated with normal student travel needs.

The purpose of the ECTA Fund (being a component of the YG Fund) is to provide for additional travel assistance to students who live in relatively isolated areas who may have higher transport needs.

For both types of travel assistance funding, you must:

- (a) ensure that the funding is only used to pay for the actual cost of transport incurred by you or the student to whom it is paid; and
- (b) if a student incurs the cost of travel, reimburse the student within a reasonable time after the student has incurred the cost; and
- (c) keep records of your expenditure on transport assistance; and

- (d) if you supply transport to students, keep records including:
 - (i) a daily travel logbook that sets out the kilometres travelled in relation to each student; and
 - (ii) the source of funding for each student's enrolment at your organisation (for example, whether the student is enrolled in a YG Fund-funded programme or otherwise); and
- (e) if travel assistance funding is paid directly to a student, keep records stating:
 - (i) the amounts paid to each student; and
 - (ii) the total amount that you reimbursed students for transport.

11. Minimum performance expectations

You must meet any minimum performance expectations specified by us, including any minimum performance standards specified in your Investment Plan.

12. Subcontracting

You must not subcontract delivery of any programme without our approval.

13. Repayment of YG Fund Funding

If you receive YG Fund Funding that is greater than it should have been, or that you were not entitled to receive, you must treat the amount of the over-funding as a debt due to the Crown that:

- (a) is repayable on demand; and
- (b) may be set-off against all or any funding, or any sum of money payable by us to you.

14. Suspension, revocation or withdrawal of YG Fund Funding

If we suspend, revoke or withdraw some or all of your YG Fund Funding under section 159YG of the Education Act before some or all of that funding has been used or contractually committed towards the purposes for which the funding was provided, you must treat the unexpended or uncommitted portion of the funding as debt due to the Crown that is:

- (a) repayable on demand by us; and
- (b) may be set-off against all or any funding, or any sum payable by us to you.

Definitions and Interpretation



Definitions

In this Funding Conditions Catalogue, unless the context otherwise requires:

Application for Funding means the documents submitted by you in relation to Off-Plan Funding or, if you are exempt under section 159U of the Education Act from the requirement to provide an Investment Plan, the documents submitted by you in relation to On-Plan Funding;

CEP means a Community Education Provider not quality assured by NZQA;

Conditions means the funding conditions that apply to your Funding including any statutory funding conditions set out in the Education Act;

CUAP means the New Zealand Vice-Chancellor's Committee on University Academic Programmes;

Domestic Student means a domestic student as defined in section 159 of the Education Act;

Education Act means the Education Act 1989;

EFTS means equivalent full-time student;

ESOL means English for Speakers of Other Languages;

Fund means any fund established by the Minister pursuant to a Funding Mechanism;

Funding means any funding provided by us to you in accordance with your Funding Confirmation Letter, subject to your compliance with the Conditions, and, if applicable, achieving the outcomes anticipated in your plan;

Funding Confirmation Letter means the letter we send you that outlines the Funding we will give you, TEO-specific conditions imposed on your Funding, and Minimum Requirements;

Funding Mechanism means a funding mechanism determined by the Minister pursuant to section 159L of the Education Act;

Funding Period means the relevant funding period for each Fund as set out in Appendix 1 of your Funding Confirmation Letter;

GST means tax charged under the Goods and Services Tax Act 1985;

Indicative Funding, Indicative On-Plan Funding and Indicative Off-Plan Funding means funding outlined in the Key Particulars that we intend to pay you in subsequent years, subject to future separate approval by us;

Investment Plan means a plan submitted by you pursuant to section 159T(1) of the Education Act that has been prepared and assessed in accordance with the requirements set out in sections 159P to 159R and 159V to 159YA of the Education Act;

ITO means a body corporate for the time being recognised under section 5 or section 8(1) of the Industry Training and Apprenticeships Act 1992;

ITP means an institute of technology or polytechnic (being a polytechnic as defined in the Education Act);

Key Particulars means the "Key Particulars" table in a Funding Confirmation Letter;

Minimum Requirements means the minimum requirements set out in Appendices 1 and 2 of your Funding Confirmation Letter, and any other performance commitments specified in your Application for Funding, or Investment Plan;

NSN means National Student Number;

NZQA means the New Zealand Qualifications Authority;

NZQF means the New Zealand Qualifications Framework;

NZVCC means the New Zealand Vice-Chancellors' Committee;

Off-Plan Funding or Off-Plan Funds means, respectively, funding paid by us to you under section 159ZC of the Education Act, or from a Fund to which section 159ZC of the Education Act applies;

On-Plan Funding or On-Plan Funds means, respectively, funding paid by us to you pursuant to section 159YA of the Education Act, or from a Fund to which section 159YA of the Education Act applies;

Organisation means the Organisation to which a Funding Confirmation Letter is addressed and “you” and “your” refer to the Organisation;

Performance Commitments means the performance commitments as outlined in your Investment Plan or Application for Funding. For the avoidance of doubt, if you have been exempted from providing an Investment Plan, this means all Minimum Requirements as outlined in Appendices 1 and 2 of your Funding Confirmation Letter;

PTE means a private training establishment;

REAP provider means a rural education activities programme provider;

SDR means the Single Data Return, which is the set of data items that are specifically required by the Ministry of Education and TEC for funding, monitoring performance, publishing performance information, as well as statistical reporting purposes;

SDR Manual means the manual for TEOs and Student Management System Developers setting out the specifications of the Ministry of Education and TEC data requirements for the Single Data Returns for each academic year;

TEC means the Tertiary Education Commission and all references to “we”, “our” and “us” are to TEC;

TEI means an institution as defined in section 159 of the Education Act;

TEO means an organisation defined in section 159B(1) of the Education Act;

University means a body referred to or established under the Education Act;

Wānanga means a body established under the Education Act; and

Withdrawal means when a student ceases to participate in a course, programme or training scheme (regardless of whether they have been refunded any fees), either by providing notice to the TEO that they wish to withdraw from participation, study and/or enrolment, or as a result of non-attendance or non-participation for any reason. **Withdraw** and **Withdrawn** have corresponding meanings.

Interpretation

Unless the context otherwise requires:

- (a) headings are not to be used for interpretation;
- (b) the singular includes the plural and vice versa;
- (c) a reference to any legislation or policy includes a modification of that legislation or policy or, in the case of legislation, legislation enacted in substitution for that legislation and a regulation, order-in-council and other instrument from time to time issued or made under that legislation;
- (d) a reference to an Appendix is a reference to an appendix to the Funding Confirmation Letter;
- (e) a reference to a Schedule or Attachment is a reference to a schedule or attachment (as applicable) to the Funding Confirmation Letter;
- (f) whenever the words “includes” or “including” are used in a Condition, or in the Funding Confirmation Letter, they are deemed to be followed by the words “without limitation”; and
- (g) if there is any conflict between the terms of the Funding Confirmation Letter and the Funding Conditions Catalogue and any other documents, including your Investment Plan or Application for Funding, the terms of the Funding Confirmation Letter and the Funding Conditions Catalogue will prevail.

Publisher’s corrections

Fund	Page	Change	Version
All funds in Catalogue except Equity Fund, Gateway, Māori and Pasifika Trades Training (Fees Top-ups and Brokerage Services), Māori and Pasifika Trades Training (Consortium Activities), Performance-Based Research Fund, Level 1-6 Qualification Development Fund, and Wānanga Research Capability Fund	Multiple	Amendments to conditions regarding the verification of learner eligibility and learner identity.	4.0 – August 2020
Base Funding Conditions	6	2.1(e), “Attorney” changed to “Auditor”	2.0 – January 2020
Base Funding Conditions	7	2.1(E), repeated word “that” deleted	3.0 – April 2020
Base Funding Information	11	7.1, missing word “it” added	3.0 – April 2020
Adult and Community Education (Schools)	22	2(b), “ACE (Communities)” changed to “ACE (Schools)”	3.0 – April 2020
Equity Fund	44	Equity Fund added	2.0 – January 2020

Fund	Page	Change	Version
Industry Training Fund	60	9.2(a), "Condition 4.1(vi)" changed to "Condition 4.1(a)(vi)"	3.0 – April 2020
Intensive Literacy and Numeracy Fund	64	1(b)(ii), "paragraph 4" changed to "paragraph 5"	3.0 – April 2020
Youth Guarantee	166	4.1(f) amended to "You must not enrol a student in more than: (i) 1.2 EFTS of Level 1 and/or 2 Youth Guarantee qualification provision in any calendar year; and (ii) 1.0 EFTS of level 3 Youth Guarantee qualification provision in any calendar year."	4.0 – August 2020
Youth Guarantee	168	4.3(b), "purposes of (a)(v)(A)" changed to "purposes of (a)(iv)(A)"	3.0 – April 2020
Youth Guarantee	171	5.3(b)(i), "as outlined in 5.3(i)(A) and (B)" changed to "as outlined in 5.3(a)(i)(A) and (B)"	3.0 – April 2020
Youth Guarantee	172	5.4 and 5.5, misnumbered headings corrected	3.0 – April 2020



**Tertiary Education
Commission**
Te Amorangi Mātauranga Matua