

## Adult and Community Education (ACE) – conditions on funding

### ACE001: TEO to supply information and report to the TEC

This condition is imposed under section 159YC(1) of the Education Act 1989.

As specified in section 159YC(1) of the Education Act, it is a condition of a TEO receiving funding that the TEO will supply to the TEC, from time to time as required by the TEC, and in the form specified by the TEC, any financial, statistical, or other information that a TEO is required to supply.

#### *TEO to supply enrolment information to the TEC*

If the TEO is an institute of technology and polytechnic (ITP) or a wānanga, the TEO must:

- a) supply to the TEC information about each learner enrolled in ACE provision by completing the fields in the Single Data Return (SDR), or the spreadsheets for reporting provided by the TEC;
- b) submit the information on or before the date specified by the TEC; and
- c) use the funding source code 23 in the SDR.

If the TEO is a private training establishment (PTE), rural education activities programme (REAP) provider, or community organisation, the TEO must submit a report to the TEC for each academic year by 15 February of the following year. Each report must be submitted in accordance with the [ACE in Communities Final Report template](#) (XLS, 124 Kb)

If the TEO is a state school or state integrated school, the TEO must submit a report to the TEC 15 working days after 31 December. Each report must be submitted in accordance with the [ACE in Schools Annual Report template](#) (XLS, 88 Kb)

#### *TEO to supply financial viability information to the TEC*

The TEO must supply to the TEC information relating to the financial viability of the TEO, if the TEC notifies the TEO that the TEC requires that information.

#### *TEO to supply subcontracting information to the TEC*

The TEO must supply to the TEC information about its subcontracting arrangements when the TEC requests it.

#### *TEO to supply information to the TEC in certain situations*

The TEO must notify the TEC immediately if:

- a) any record required to be kept under the Education Act 1989 has been lost or damaged; or
- b) the TEO is no longer able to comply with a condition of funding.

#### *PTE to supply information to the TEC in certain situations*

This condition applies to a PTE.

The PTE must notify the TEC immediately if:

- a) its New Zealand Qualifications Authority registration or accreditation is cancelled; or
- b) it is in liquidation or receivership; or
- c) it has had a change of ownership or governance (see below); or
- d) it has changed its name; or

- e) the location or locations at which it delivers a programme or programmes has changed.

For the purposes of this condition, a change of ownership or governance means any of the following:

- a) the merger of a PTE with another company or organisation; or
- b) the transfer or sale to a trust; or
- c) transfer or sale of all or part of the business (assets) to a new owner; or
- d) change in control of a PTE (private company); or
- e) change in a director of the PTE (private company).

#### **ACE002: TEO to be eligible to receive funding for ACE provision**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must, at all times during the funding period, continue to be:

- a) an ITP;
- b) a wānanga;
- c) a PTE that specialises in foundation learning;
- d) a state school or state integrated school;
- e) a REAP provider; or
- f) a community organisation.

#### **ACE003: TEO receiving funding for ACE provision to remain quality assured**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must (unless it is a community organisation), during the funding period, continue to be quality assured by:

- a) if the TEO is an ITP, wānanga, PTE, or REAP provider, the New Zealand Qualifications Authority; or
- b) if the TEO is a state school or state-integrated school, the Education Review Office.

#### **ACE004: TEO to ensure learner enrolled in ACE provision is eligible**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must ensure that each learner enrolled in a programme of study or training funded by ACE funding that is and continues to be:

- a) a New Zealand citizen or permanent resident of New Zealand; and
- b) 16 years of age or over; and
- c) not a full-time secondary school student.

#### *Exceptions*

The TEO may enrol and claim ACE funding for a learner who does not meet the above criteria only if the learner is:

- a) under the age of 16 years and participating with adults in family-based provision; or
- b) a full-time secondary school student who:

- (i) is 16 years of age or over;
- (ii) receives ACE provision outside normal school hours; and
- (iii) has obtained approval from the relevant school principal; and
- (iv) the TEO has obtained approval from the TEC to enrol.

**ACE005: TEO to ensure ACE programme, qualification or course is eligible**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must ensure that a programme of study or training in which an eligible learner is enrolled is, and continues to be, provision that is designed to:

- a) targets learners whose previous learning was not successful; and
- b) raises foundation skills; and
- c) strengthens social cohesion, enhancing a learner's ability to participate in society and economic life.

*Exceptions*

A programme of study or training in English for Speakers of Other Languages, New Zealand Sign language or Te Reo Māori do not have to meet all of those criteria.

**ACE006: TEO to work with local communities**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must work with local organisations, peak bodies, groups, and communities, including other TEOs involved in ACE provision, to identify and meet community learning needs.

**ACE007: TEO to set appropriate fees**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must:

- a) ensure that the level of fees it sets for ACE programmes of study or training does not prevent individuals from enrolling in those programmes; and
- b) charge the same fee to each learner participating in an ACE programme of study or training funded by ACE funding.

**ACE008: TEO to provide necessary equipment**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must pay for the necessary equipment, infrastructure and hardware required to deliver a particular programme. The TEO must not require the costs of essential equipment, including computers, to be met through the "course-related costs" component of the Student Loan Scheme, as a condition of enrolment for learners.

For the purposes of this condition, "equipment, infrastructure, and hardware":

- a) means items that can be used by successive intakes of learners; and
- b) does not include personal items that are provided for individual learners' use and that the TEO does not retain for the next intake of learners.

**ACE009: TEO that is an ITP or wānanga to provide ACE programmes and activities aligned with ACE priorities**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

This condition applies to an ITP or a wānanga that receives funding for ACE provision.

The TEO must design and provide ACE programmes of study or training that primarily focuses on:

- a) the learning of foundation skills; and
- b) the re-engagement of learners whose previous learning was not successful; and
- c) ensuring the progression of learners into formal tertiary education.

**ACE010: TEO that is a PTE, REAP provider, or community organisation to provide ACE programmes and activities aligned with ACE priorities**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

This condition applies to a PTE, REAP provider, or community organisation that receives funding for ACE provision.

The TEO must provide design and provide ACE programmes of study or training that primarily focuses on:

- a) literacy, digital literacy, and/or numeracy; or
- b) English language, including English for Speakers of Other Languages; or
- c) New Zealand Sign language; or
- d) Te Reo Māori.

**ACE011: TEO that is a state or state-integrated school to provide ACE programmes and activities aligned with ACE priorities**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

This condition applies to a state school or state integrated school that receives funding for ACE provision.

The school must:

- a) design and provide ACE programmes of study or training that primarily focus on:
  - (i) literacy, digital literacy, and/or numeracy; or
  - (ii) English language, including English for Speakers of Other Languages; or
  - (iii) New Zealand Sign language; or
  - (iv) Te Reo Māori; and
- b) prioritise learners with the highest need. It is expected that at least 50% of the learners enrolled in the school's funded ACE provision will:
  - (i) identify as having English language needs; or
  - (ii) have low or no formal qualifications; or
  - (iii) identify as Māori or Pasifika.

**ACE012: TEO not to use ACE funding for groups of school students**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must not use ACE funding to provide programmes of study or training to a group or class of secondary school students, even if the programme is provided outside school hours.

**ACE013: TEO not to use ACE funding for professional development**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must not use ACE funding to provide professional development courses for ACE teachers and tutors.

**ACE014: TEO to make records available for inspection**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must provide the TEC with access to its premises, employees, and information for the purposes of:

- a) inspecting the records that the TEO must keep; or
- b) auditing the TEO's compliance with conditions of funding and requirements in the Education Act 1989.

**ACE015: TEO not to subcontract delivery**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO:

- a) must not subcontract the provision of any programmes of study or training or other activities for which the TEO receives ACE funding without the TEC's prior written consent; and
- b) must, if the TEC provides the TEO with written consent:
  - (i) comply with any conditions imposed by the TEC on the TEC's consent to subcontract; and
  - (ii) ensure that the subcontracted party does not further subcontract any provision; and
  - (iii) remain accountable to the TEC for any subcontracted party's use of ACE funding.

**ACE016: TEO not to use other funding from the Crown to fund ACE provision**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must:

- a) not (without TEC's prior written consent) seek or obtain funding from any Crown source other than the TEC to fund provision that is funded under the Determination of Design of Funding Mechanism: Adult and Community Education, dated 5 August 2014; and
- b) notify the TEC immediately if it becomes aware of any circumstances that might result in a breach of paragraph (a) of this condition.

### **ACE017: TEO to use funding responsibly**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

The TEO must use the ACE funding it receives:

- a) lawfully, responsibly, and for the purposes for which the funding is provided; and
- b) in a manner consistent with the appropriate use of the public funds.

### **ACE018: TEO to repay overfunding**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

If the TEO receives funding for ACE provision that is greater than it should have been, or that it was not entitled to receive, the TEO must treat the amount of overfunding 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 the TEC to the TEO.

#### *Definition of when funding is greater than it should have been – TEOs other than schools*

An ITP, wānanga, PTE, REAP provider, or community organisation will have received funding that was greater than it should have been if, for example, it delivered less ACE provision than it was funded for. In that situation, the TEC will recover the difference between the amount of provision delivered, and the funding provided.

#### *Definition of funding is greater than it should have been – schools*

A state school or state-integrated school received funding that was greater than it should have been if, for example, the school delivered less ACE provision (calculated in hours) than it was funded for. In that situation, the TEC will recover the difference between the amount of provision delivered, and the funding provided. The TEC will determine the amount of funding delivered using an hourly rate of \$7.27.

For example: A 10 hour course for a planned number of 12 learners is funded for \$872.40 ((10 x \$7.27) x 12). The school only enrolls 10 learners at \$727.00. The TEC will recover the difference of \$145.40.

### **ACE019: TEO to repay funding if funding approval revoked**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

If the TEC revokes some or all of a TEO's ACE funding under section 159YG of the Education Act 1989 before some or all of the funding has been used or contractually committed towards the purposes for which it was provided, the TEO must treat the unexpended or uncommitted portion of funding becomes a debt due to the Crown that is:

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

### **ACE020: TEI to maintain enrolment records**

This condition is imposed under section 159YC(2)(a) of the Education Act 1989.

This condition applies to a tertiary education organisation (TEI) that receives ACE funding.

The TEI must keep accurate and up-to-date records of enrolments in accordance with any requirements developed by the TEC.