



File ref: [objective no]

[date]

[Name]

[Position Title]

[Name of Organisation]

[Address]

[Address]

[City]

Tēnā koe [name]

Private Training Establishment (PTE) English for Speakers of Other Languages (ESOL) Provision Fund

The Minister of Education announced the International Education Recovery Plan on 27 July 2020. As part of that plan, the Minister has announced funding that can be used to assist certain Private Training Establishments (PTEs) who offer English for Speakers of Other Languages (ESOL) tuition under the Private Training Establishment English for Speakers of Other Languages Provision Fund (PTE ESOL Fund). Funding is available in the 2020/21 financial year for ESOL provision that is delivered during the same period.

The PTE ESOL Fund has a dual purpose. First, the funding will help to increase demand for English language training, to be met by English Language Schools currently struggling as a result of the border closure to international students. Secondly, the funding will also help with upskilling and improving the employability of migrant partners and dependants of New Zealand citizens and residents.

The Minister has delegated to the TEC the power to allocate and distribute funding to relevant organisations. The fund does not fall within the statutory framework for Funding allocated under sections 159YA or 159ZC of the Education Act 1989.

We are pleased to inform you we have assessed your application, and we are proposing to provide you with the amount of funding that is set out in Appendix 1.

This letter sets out:

- the **period** for which the TEC will provide funding from the Fund;
- the **amount** of funding that your organisation will receive;
- the **conditions** that apply to the funding; and
- any **other provisions** relevant to your organisation's receipt of this funding.

What actions do you need to take now?

1. Review the documents
2. Confirm your acceptance of the funding, whether in full or in part.
3. Return the declaration form

We ask that you review the funding allocation in Appendix 1 and the fund-specific conditions in Appendix 2.



To confirm that you wish to accept all, part, or none of the funding allocated please:

- sign the declaration form included in this agreement; and
- send a PDF copy of the form to customerservice@tec.govt.nz by [DATE] with the following subject line: **[EDUMIS #] – PTE ESOL Funding Confirmation – [DATE]**.

Once we have received your signed agreement, we will make the first payment to you in the next available payment run.

If you accept all or part of the funding, you will need to include the completed declaration form that is provided in Appendix 1. The declaration requires you to state how much of the allocation you accept.

[If we have declined your application for funding, or approved your application in part, and you would like your application for funding to be reconsidered, please notify us within 10 working days after the date of this letter.](#)

By accepting the Tertiary Education Commission Funding you are confirming you acknowledge, and will comply with, the conditions attached as Appendix 2 to this letter. The funding may be recovered if we consider that it has been used incorrectly.

If you have any questions please contact the Customer Contact Group by calling 0800 601 301 during normal business hours, or email customerservice@tec.govt.nz.

Naku noa, nā

Niki Penberthy
Manager, Customer Contact Group

Appendix 1: Funds, Funding and Funding Periods

Edumis: [xxxx]

[TEO Name]

The funding allocation contained in this letter is GST exclusive.

Fund <i>Funding period for this agreement: [TBC] – [30 June 2021]</i>	Total Funding (ex GST)
PTE ESOL Fund	[\$xxxxxx]

Monthly Payment Schedule

[Date]	\$
...	\$
Total	\$

Appendix 2: Conditions on Funding

Purpose of Fund

The Private Training Establishment English for Speakers of Other Languages Provision Fund (**PTE ESOL Fund**) has a dual purpose. First, the funding will help to increase demand for English language training, to be met by English Language Schools currently struggling as a result of the border closure to international students. Secondly, the funding will also help with upskilling and improving the employability of migrant partners and dependants of New Zealand citizens and residents.

The power to allocate and distribute this Funding to relevant tertiary education organisations (**TEOs**) has been delegated by the Minister, and does not fall within the statutory framework for funding received under sections 159YA or 159ZC.

In consideration for receiving this Funding, you agree to the conditions set out below.

PTE ESOL Provision Fund Funding Conditions

The following Conditions apply to any PTE ESOL Fund Funding you receive from [tbc] to 30 June 2021 (Funding Period):

- (a) the conditions set out below;
- (b) Base Funding Conditions set out in the Funding Conditions Catalogue available on the [TEC website](#);
- (c) the specific Conditions of any Funding you receive from any other Fund;
- (d) the Conditions in the Education Act (unless otherwise stated in the following Conditions).

1. ORGANISATION ELIGIBILITY

1.1 You must be a Private Training Organisation (**PTE**) that:

- (i) is and continues to be for the duration of the Funding Period, a PTE as defined in section 159 of the Education Act; and
- (ii) is experienced in providing English for Speakers of Other Languages (**ESOL**) tuition; and
- (iii) did not receive funding from Vote Tertiary Education administered by us in 2019; and
- (iv) has, and for the duration of the Funding Period, continues to hold, a Category 1 External Evaluation and Review rating from the New Zealand Qualifications Authority with no pending NZQA action as at 1 July 2020; or

1.2 You must, for the duration of the Funding Period, continue to meet the organisation eligibility conditions of the Fund(s).

2. LEARNER ELIGIBILITY

2.1 If you are eligible for PTE ESOL Fund Funding, you must ensure that PTE ESOL Fund Funding is only used in respect of a learner who falls within Category A or Category B.

2.2 For the purpose of Condition 2.1, the categories of learner that are eligible to be funded under the PTE ESOL Provision Fund are learners who are in New Zealand, and fall within one of the following categories:

(a) A **Category A learner** is a learner who:

- (i) identifies as having English language needs; and
- (ii) holds, ~~and for the length of the Funding Period continues to hold,~~ one of the following visas:
 - (1) Partner of a New Zealander Work Visa; or
 - (2) Partner of a New Zealander Visitor Visa; or
 - (3) Child of a New Zealander Visitor Visa; and
- (iii) is 16 years of age or over and not a full-time secondary school student.

(b) A **Category B learner** is a learner who:

- (i) identifies as having English language needs; and
- (ii) is a domestic student as defined under section 159 of the Education Act 1989; and
- (iii) is 16 years of age or over and not a full-time secondary school student.

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 in accordance with the processes below for the relevant type of learner:

(a) **Category A learner.** You must sight, and keep a copy of, the learner's:

- (i) current passport with a current Partner of a New Zealand Work Visa, Partner of a New Zealander Visitor Visa, or Child of a New Zealander Visitor Visa (passport with visa label); or
- (ii) current passport, accompanied by a letter or email that confirms the learner has a current visa type referred to in (i) (label-less visa, followed by confirmation with Immigration New Zealand, where appropriate);

(b) **Category B learner:**

- (i) for a New Zealand citizen, you must:
 - (1) confirm the learner's citizenship status using the learner's National Student Number (NSN); or

- (2) receive an assertion through RealMe® that the learner was born in New Zealand (prior to 2005); or
- (3) sight an original or certified copy (and keep a copy) of one or more of the following documents:
 - A. a New Zealand birth certificate; or
 - B. a New Zealand passport; or
 - C. a New Zealand certificate of citizenship; or
- (4) If a learner is unable to obtain a birth certificate for the purposes of (3)(C) above, you may contact us to confirm whether a whakapapa statement signed by both the learner and a kaumatua is acceptable evidence of citizenship;
- (ii) for a New Zealand resident, you must sight an original or certified copy (and keep a copy) of one or more of the following documents:
 - (1) passport with a current returning residency class visa (a passport with a visa label); or
 - (2) 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
 - (3) a certificate of identity from Immigration New Zealand if the learner is a refugee.
- (iii) for an Australian citizen or Australian permanent resident currently residing in New Zealand, you must sight an original or certified copy (and keep a copy) of one or more of the following documents:
 - (1) an Australian birth certificate issued before 20 August 1986; or
 - (2) an Australian passport; or
 - (3) a passport with a current Australian resident return visa.
- (iv) for a dependant of diplomatic personnel, you must sight the original or certified copy (and keep a copy) of an authorised form from the Ministry of Foreign Affairs and Trade.

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.

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. USE OF FUNDING

5.1 You must only use the PTE ESOL Fund Funding to fund ESOL provision that:

- (a) is intended to:
 - (i) meet the everyday English language needs of people living and working in New Zealand;
 - (ii) prepare learners for further education or training, or employment;
 - (iii) support achievement of the New Zealand Certificate in English Language (NZCEL) or recognised English tests; and

- (iv) otherwise further ESOL provision in New Zealand; and
 - (b) is appropriate to the English language development needs of the learners who receive provision funded under the PTE ESOL Fund; and
 - (c) will be completed by 30 June 2021.
- 5.2 You may use PTE ESOL Fund Funding to fund ESOL provision that is delivered in-person or remotely.
- 5.3 You must not subcontract the delivery of ESOL provision funded from the PTE ESOL Fund.

6. YOUR RESPONSIBILITIES

6.1 Fees

- (a) You must charge fees at the level indicated in your application unless an alternative fee has been approved by the TEC.
- (b) You must charge the same fee to all learners participating in an ESOL programme of study or training funded under the PTE ESOL Fund.
- (c) 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), 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.
- (d) 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.

6.2 Access to and supply of information

- (a) 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 these Funding Conditions.
- (b) You must supply to us, from time to time as required by us, and in a form specified by us, any financial, statistical, or other information that we require you to supply.
- (c) You must notify us in writing of a decision to hibernate or close your organisation within 10 working days of making the decision.

7. TEC'S RESPONSIBILITIES

7.1 We are responsible for publishing and regularly updating a list of all TEOs that have received PTE ESOL Funding. By receiving PTE ESOL Funding, you consent to the following information being published:

- (a) the name of your TEO;
- (b) the total amount of PTE ESOL Funding that you have received;

8. REPORTS

8.1 Reports

- (a) You must submit:
 - (i) a progress report that covers the period starting from the date of this funding letter and ending on 31 December 2020, no later than 10 working days after 31 January 2021; and
 - (ii) a final report for the period 1 January to 30 June, no later than 10 working days after 30 June 2021.
- (b) The progress report and the final report must be completed and submitted in accordance with the template that we will provide to you.

9. RECORDS

9.1 You must keep accurate and up-to-date records:

- (a) that demonstrate compliance with these Funding Conditions; and
- (b) of the following information:
 - i. the number and types of learners (such as migrants, visa holders, etc) who have received provision funded through the PTE ESOL Fund;
 - ii. the types of provision each learner has accessed; and
 - iii. the total amount of your PTE ESOL allocation that has been spent.

9.2 You must retain all records of your use of PTE ESOL Funding for a minimum of seven years.

10. REPAYMENT OF PTE ESOL FUNDING

10.1 If you receive PTE ESOL Funding that was greater than it should have been, that you were not entitled to receive, or that remains unspent at the end of the Funding Period, 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.

11. SUSPENSION AND REVOCATION OF PTE ESOL FUNDING

11.1 We may suspend or revoke some or all of the PTE ESOL Funding given to you if we are satisfied on reasonable grounds that you have not complied, or are not complying, with these Funding Conditions.

Definitions

11.2 Unless otherwise defined in these Funding Conditions, capitalised terms used in these Funding Conditions have the meaning given to them in the Funding Conditions Catalogue available on the TEC [website](#).

- (a) “Final Report” means a report, in the manner and form prescribed by us that includes information to be advised by us;
- (b) “Fund” means any other Fund(s) under which you receive Funding;
- (c) “Report” means a report, in the manner and form prescribed by us, that includes the following information:
 - (i) the total amount of your PTE ESOL allocation that has been spent to date;
 - (ii) the number of learners you have supported; and
 - (iii) the types of provision each learner has accessed.

This information will be required in all Reports.

- (d) “Relevant Fund(s)” means any other Fund(s) under which the PTE receives Funding.