

Intensive Literacy and Numeracy (ILN) - English for Speakers of Other Languages (ESOL) – conditions on funding

ESOL001: TEO to supply information 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 1989, 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 by the TEC to supply.

TEO to submit reports

The TEO must submit, in relation to the TEO's use of funding from the Intensive Literacy and Numeracy – ESOL Fund:

- 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 10 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.

Each progress report must:

- a) be submitted in accordance with the template;
- b) relate to the specified outcomes outlined in the TEO's Investment Plan; and
- c) include the following information:
 - (i) the number of learners enrolled in each programme of study or training; and
 - (ii) learner enrolment information, (including the learner's National Student Number (NSN), tuition hours received and the enrolment start and finish dates) for each learner enrolled in each programme of study or training during the period covered by the progress report.

Each final report must include the following information:

- a) the number of learners that are or were enrolled in each eligible programme of study or training; and
- b) the number of Equivalent Full Time Student (EFTS) delivered;
- c) the NSN and details of any learners not already reported in the progress reports; and
- d) a summary of the learner demographics; and
- e) the regions in which the TEO delivered the provision; and
- f) a declaration that confirms that:
 - (i) the TEO has monitored each learner's progress; and
 - (ii) the TEO used the assessment process for identifying a learner's literacy and numeracy gains agreed with the TEC (for example, the Literacy and Numeracy for Adults Assessment Tool (Starting Points)); and
 - (iii) the TEO has met its performance commitments.

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 requests that information.

TEO to supply information to the TEC in certain situations

The TEO must notify the TEC immediately if:

- a) any record that the TEO is required to keep 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 private training establishment (PTE).

The PTE must notify the TEC immediately if:

- a) the PTE's New Zealand Qualifications Authority (NZQA) registration or accreditation is cancelled; or
- b) the PTE is in liquidation or receivership; or
- c) the PTE has had a change of ownership (see below) or governance; or
- d) the PTE has changed its name; or
- e) the PTE changes the location or locations at which the PTE delivers a course or courses.

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

- a) the merger of a PTE with another company or organisation; or
- b) 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 to the control of a PTE (private company); or
- e) change in a director of the PTE (private company).

ESOL002: TEO to continue to meet specified criteria

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

The TEO must, for the length of the funding period continue to:

- a) be one of the following:
 - (i) a university; or
 - (ii) an institute of training and polytechnic (ITP); or
 - (iii) a wānanga; or
 - (iv) a PTE; or
 - (v) a state school or state integrated school; or
 - (vi) a rural education activities programme (REAP) provider; or
 - (vii) a community organisation; and
- b) demonstrate its expertise in delivering ESOL to adult refugees and migrants.

ESOL003: TEO to continue to meet quality assurance requirements

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

The TEO (other than a REAP provider or community organisation) must, for the length of the funding period, continue to be quality assured by the applicable quality assurance body, being:

- a) the NZQA, if the TEO is an ITP, wānanga, or PTE; or
- b) the New Zealand Vice-Chancellors' Committee, if the TEO is a university; or
- c) the Education Review Office, if the TEO is a state school or state integrated school.

ESOL004: TEO to ensure that learners are eligible

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

The TEO must ensure that each learner who receives funding from the Intensive Literacy and Numeracy – ESOL Fund:

- a) is, and continues to be, one of the following:
 - (i) a refugee, protected person, or person sponsored by a refugee or protected person a refugee; or
 - (ii) a migrant; or
 - (iii) a person for whom English is his or her second language; and
- b) is, and continues to be a New Zealand citizen, or resident; and
- c) is 16 years of age or over; and
- d) has low English language and/or literacy skills.

Definition of low skill level in literacy and/or numeracy

For the purposes of this condition, a learner has a low skill level in literacy and/or numeracy:

- a) if the learner has fewer than 80 credits on the New Zealand Qualifications Framework (NZQF); or
- b) if the learner has more than 80 credits on the NZQF, the learner has fewer than 12 credits in literacy and numeracy unit standards/achievement standards.

ESOL005: TEO to ensure programmes are 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 funded through the Intensive Literacy and Numeracy – ESOL Fund:

- a) has English language and literacy outcomes; and
- b) is taught by appropriately qualified and experienced educators; and
- c) is 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); and
- d) will deliver the specified amount of provision to learners as required by condition ESOL013.

Definition of appropriately qualified and experienced educators

An appropriately qualified and experienced educator is a person who:

- a) has a specific qualification relating to teaching adults literacy and numeracy (such as the National Certificate in Adult Literacy and Numeracy Education Vocational/Workplace); and
- b) has experience in teaching literacy and numeracy.

ESOL006: TEO not to charge fees

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

The TEO must not charge a fee to a learner who is participating in an eligible programme of study or training for which the TEO receives funding from the Intensive Literacy and Numeracy – ESOL Fund.

ESOL007: TEO not to receive other Crown funding

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

The TEO must:

- a) not (without the TEC's prior written consent) seek or obtain funding from any Crown source (including a Crown entity or a company wholly owned by the Crown) other than the TEC to fund a programme of study or training that receives funding from the Intensive Literacy and Numeracy – ESOL Fund; and
- b) notify the TEC immediately if it becomes aware of any circumstances that might result in a breach of subparagraph (a) of this condition.

ESOL008: TEO to use funding responsibly

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

The TEO must use the funding:

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

ESOL009: TEO to repay over-funding

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

If the TEO receives funding from the Intensive Literacy and Numeracy – ESOL Fund that is greater than it should have been, or that the TEO was not entitled to receive, the TEO 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 the TEC to the TEO.

Funding that is greater than it should have been

For the purposes of this condition, the TEC will determine whether a TEO received funding that was greater than it should have been by:

- a) multiplying the number of places specified in the TEO's Investment Plan by 200 (the average number of hours required per place); and
- b) subtracting the total number of hours delivered in the calendar year from the figure in (a).

For example:

(Places in Investment Plan x 200 hours) - total hours delivered = under/over delivery (recoverable amount where there is under delivery (if there is under delivery, the TEO was over-funded and the TEC may recover the funding provided to the TEO for the hours that were not delivered)).

ESOL010: TEO not to subcontract

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

The TEO must not sub-contract the delivery of a programme of study or training for which the TEO receives funding from the Intensive Literacy and Numeracy – ESOL Fund.

ESOL011: TEO only to enrol learner for no more than five years

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

The TEO must only allow a learner to re-enrol in a programme of study or training that receives funding from the Intensive Literacy and Numeracy – ESOL Fund, for a period of up to five years in total.

ESOL012: TEO to have assessment process

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

The TEO must have in place an effective assessment process for identifying a learner's literacy and numeracy gains.

For the purposes of this condition, in 2015 TEOs must use Starting Points to assess each learner's literacy and numeracy needs and to assess their progress. From 2016, TEOs must use the new Starting Point(s) option within the Literacy and Numeracy for Adults Assessment Tool.

ESOL013: TEO to provide specified amount of provision to learners

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

The TEO must:

- a) deliver, on average, 200 hours of provision to each learner enrolled in a programme of study or training that receives funding from the Intensive Literacy and Numeracy – ESOL Fund; and
- b) deliver the programme over a 10 to 26 week period.

ESOL014: TEO to meet benchmarks

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

The TEO must meet the following delivery benchmarks:

- a) by 31 May, the TEO must have delivered at least 40% of the provision specified in the TEO's Investment Plan; and

- b) by 30 September, the TEO must have delivered at least 70% of the provision specified in the TEO's Investment Plan.

The TEC will monitor the TEO's compliance with this condition through the progress reports that the TEO must supply to the TEC under condition ESOL001.

ESOL015: TEO to repay funding following revocation of funding approval

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

If the TEC, in accordance with section 159YG of the Education Act 1989, suspends or revokes some or all of a TEO's funding paid from, the Intensive Literacy and Numeracy – ESOL Fund, before that 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 the 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 sum of money payable by the TEC to the TEO.