

## Refugee English – conditions on funding

### REF001: 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 Tertiary Education Organisation (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*

A TEO must submit in relation to the TEO's use of funding from the Intensive Literacy and Numeracy – Refugee English 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 developed by the TEC;
- b) relate to the specific outcomes 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;
  - (ii) learner enrolment information, including the National Student Number (NSN), and qualification enrolment details (including the start and finish dates, qualification name, EFTS weighting and learner fee for the enrolment) of 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; and
- 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 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 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.

The PTE must notify the TEC immediately if:

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

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) transfer or sale to a trust; or
- c) sale 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).

**REF002: 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 be:

- a) one of the following:
  - (i) a university; or
  - (ii) an institute of technology and polytechnic (ITP); or
  - (iii) a wānanga; or
  - (iv) a PTE; and
- b) experienced in educating refugees.

**REF003: TEO to continue to meet quality assurance requirements**

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

The TEO must continue to be quality assured by the applicable quality assurance body, being:

- a) the New Zealand Qualifications Authority, if the TEO is an ITP, wānanga, or PTE; or
- b) the New Zealand Vice-Chancellors' Committee, if the TEO is a university.

**REF004: 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 in a programme of study or training funded by the Intensive Literacy and Numeracy – Refugee English Fund is, and continues to be:

- a) a New Zealand citizen or resident; and
- b) a refugee, protected person, or person sponsored by a refugee or protected person.

**REF005: TEO to ensure programmes meet criteria**

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

The TEO must ensure that each programme of study or training funded from the Intensive Literacy and Numeracy – Refugee English Fund:

- a) leads to the award of an ESOL certificate or diploma at level 3 or above on the New Zealand Qualifications Framework (NZQF); and
- b) is part of a programme that:
  - (i) has been quality assured by the applicable quality assurance body; and
  - (ii) if offered by a PTE, has 40 or more credits.

**REF006: 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 – Refugee English Fund.

**REF007: 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 – Refugee English Fund; and
- b) notify the TEC immediately if it becomes aware of any circumstances that might result in a breach of sub-paragraph (a) of this condition.

**REF008: 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.

**REF009: 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 – Refugee English 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 greater than it should have been*

For the purposes of this condition, the TEO will have received funding that was greater than it should have been if the TEO does not deliver all of the places specified in its Investment Plan. This means that if a TEO does not deliver the agreed number of places in its Plan, then the TEC will recover all funding associated with those undelivered places.

**REF010: 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 – Refugee English Fund.

**REF011: TEO only to enrol learner for certain period**

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 – Refugee English Fund, within a period of up to three years from his or her first enrolment.

**REF012: 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 – Refugee English 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 any sum of money payable by the TEC to the TEO.

**REF013: TEO not to claim funding for recognised prior learning**

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

The TEO must not claim funding for recognised prior learning credited to a learner.

To ensure that the TEO is able to comply with this condition, the TEO must:

- a) ask each learner to specify prior learning he or she has undertaken; and

*Archived conditions – applicable for 2015 funding only*

- b) before admitting each learner into an ILN – Refugee English funded programme of study or training, review that information as it relates to each student; and
- c) retain documents that confirm that the learner has demonstrated the required knowledge or skill.

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.

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