

## **Equity funding**

### **EQT001: 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 the TEO is required by the TEC to supply.

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

The TEO must:

- a) supply to the TEC information about each Māori student and Pasifika student and Student with Disabilities enrolled in a course for whom the TEO receives Equity 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 the TEC; 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.

#### *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.

#### *TEI to supply report on students with disabilities*

This condition applies to a TEI.

The TEI must comply with any reporting requirements set by the TEC in relation to Equity Funding for students with disabilities using the TEC's reporting template.

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

The TEO must supply to the TEC information about its subcontracting arrangements when 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 section 159YD(1) of the Education Act 1989 has been lost or damaged; or
- b) the TEO is no longer able to comply with a condition of funding.

*Archived conditions – applicable for 2015 funding only*

*TEI to supply financial information to the TEC*

This condition applies to a TEI.

The TEI must use the TEI Financial Monitoring electronic templates to supply the following information to the TEC:

- a) the TEI's Annual Report prepared in accordance with section 220 of the Education Act 1989 (including the TEI's financial statements and statements of service performance prepared in accordance with the Crown Entities Act 2004); and
- b) the TEI's 3 year financial forecast; and
- c) any other financial report that the TEC requires.

The TEI must supply financial information to the TEC when the TEC requests that information.

*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 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 has changed; or
- f) any records that the PTE is required to be keep under section 159YD(1) of the Education Act 1989 has been lost or damaged; or
- g) the PTE is no longer able to comply with a condition of funding.

*Definition of change of ownership*

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) 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).

*Archived conditions – applicable for 2015 funding only*

*TEO to supply performance information in relation to Equity Funding for Māori and Pasifika students to the TEC*

The TEO must supply to the TEC any information that the TEC reasonably requires in order to measure the TEOs performance against any minimum performance standards set by the TEC in relation to participation and achievement for Māori and Pasifika students.

#### **EQT002: TEO to continue to be eligible to receive Equity Funding**

##### ***Equity Funding for Māori and Pasifika students***

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

In order to continue to receive Equity Funding for Māori and Pasifika students, the TEO must, throughout the period of Equity Funding for Māori and Pasifika students, continue to:

- a) be a TEO; and
- b) receive SAC funding under the [Determination of Design of Funding Mechanism: Student Achievement Component – Provision at Level 3 or above on the New Zealand Qualifications Framework.](#)

##### **TEI Equity Funding for students with disabilities**

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

In order to continue to receive Equity Funding for students with disabilities, the TEI must, throughout the period of Equity Funding for students with disabilities, continue to:

- a) be a TEI; and
- b) receive SAC funding under any Determination of Design of Funding Mechanism for SAC.

For the purposes of this condition, "SAC funding under any Determination of Design of Funding Mechanism for SAC" includes SAC funding under:

- (a) [Determination of Design of Funding Mechanism: Student Achievement Component – Qualification at Levels 1 and 2 of the New Zealand Qualifications Framework \(Competitive Allocation\)](#); or
- (b) [Determination of Design of Funding Mechanism: Student Achievement Component – Provision at Levels 1 and 2 on the New Zealand Qualifications Framework \(Non-competitive allocation\)](#); or
- (c) [Determination of Design of Funding Mechanism: Student Achievement Component – Provision at Level 3 and above on the New Zealand Qualifications Framework.](#)

#### **EQT003: TEO to use funding responsibly**

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

The TEO must only use Equity Funding:

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

Equity funding is not provided for the purposes of, and so must not be used for:

- a) funding capital works or items; or
- b) funding the TEO's compliance with statutory requirements, such as Health and Safety in Employment Act 1992; or
- c) reducing the tuition fees of all students.

#### **EQT004: TEO to repay over-funding**

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

If the TEO receives funding that is greater than the amount it should have been, or that the TEO was not entitled to receive, then the TEO must treat the amount of over-funding received as a debt due to the Crown that:

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

#### **EQT005: 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 the TEO's Equity Funding before some or all of 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 funding as a debt due to the Crown that:

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