

DETERMINATION OF DESIGN OF FUNDING MECHANISM: DELIVERY AT LEVELS 3 TO 7 (NON-DEGREE) ON THE NEW ZEALAND QUALIFICATION AND CREDENTIALS FRAMEWORK AND ALL INDUSTRY TRAINING

PRELIMINARY PROVISIONS

Statutory authority

1. This determination of the design of a funding mechanism is made under section 419 of the Education and Training Act 2020 (the Act).

On-Plan funding

2. The Tertiary Education Commission (TEC) must pay funding allocated under this funding determination in accordance with section 425 of the Act.

Effective period

3. This funding mechanism relates to funding provision from 1 January 202~~6~~⁵.
4. The TEC may exercise any of its administrative functions before 1 January 202~~6~~⁵ as required to give effect to this funding mechanism.

Available funding

5. The amount of government funding that can be spent under this funding mechanism will be set through the Government's annual budget processes.

PART ONE: DELIVERY COMPONENT FUNDING MECHANISM

Purpose

6. ~~The purpose of this funding is to contribute towards the costs of providing vocational education and training.~~ This funding contributes to the provision of teaching and learning services for enrolled learners at tertiary education organisations (TEOs).

TEO eligibility

7. The TEC may only fund a tertiary education organisation (TEO) under this funding mechanism if the TEO is one of the following:¹
 - a. a tertiary education institution (TEI), namely:
 - i. a university;
 - ii. ~~Te Pūkenga~~–New Zealand Institute of Skills and Technology – Te Pūkenga (including, as the case requires, its subsidiaries that provide education or training or both) (Te Pūkenga);
 - iii. a wānanga; or
 - b. a private training establishment registered by NZQA (registered PTE).

Funding formula and rates

8. The TEC allocates funding under this funding mechanism for the relevant programmes, micro-credentials and activities that are specified in a TEO's proposed investment plan.
9. For the purposes of calculating the value of a TEO's approved funding under this funding mechanism, the TEC must use a metric comprising:
 - a. the number of valid domestic enrolments, measured in equivalent full-time student units (EFTS); and
 - b. the programmes or micro-credentials, and their component courses, in which learners are enrolled, and the assigned delivery classifications, funding categories, and funding rates of those programmes or micro-credentials and their component courses.

Equivalent Full-Time Student units (EFTS)

10. One (1.0) EFTS unit is defined as 120 credits of full-time study over a single academic or calendar year. One Standard Training Measure (STM) is equivalent to one EFTS unit.

¹ If the Education and Training (Vocational Education and Training System) Amendment Bill is enacted before 1 January 2026, paragraph 7 will instead read as follows:

7. The TEC may only fund a TEO under this funding mechanism if the TEO is one of the following:
 - a. a tertiary education institution (TEI), namely:
 - i. a university;
 - ii. a polytechnic;
 - iii. the New Zealand Institute of Skills and Technology;
 - iv. a wānanga; or
 - b. a private training establishment registered by NZQA (registered PTE);
or
 - c. an industry skills board.

11. A TEO will determine the EFTS value of each of its programmes or micro-credentials and the course EFTS factor of its components, in accordance with criteria published by the TEC.

Standard Training Measure (STM)

12. An STM is defined as the amount of training that is required for a work-based learner to achieve 120 New Zealand Qualification and Credentials Framework (NZQCF) credits.
13. The TEC must use the following formula to calculate the number of STMs for which a TEO is entitled to receive funding:

$$\text{Funded STMs} = \frac{\text{number of enrolled industry trainees or New Zealand Apprentices} \times \text{credits per industry trainee or New Zealand Apprentice per year}}{120}$$

Delivery classification

14. The TEC must establish a process by which the appropriate delivery classification and funding category is assigned to eligible programmes and/or courses delivered as part of an eligible programme or micro-credential in accordance with Appendix 1.
15. The delivery content of the programme or course (rather than its title) must determine the assignment.
16. Where the TEO assigns the delivery classification and funding category, the TEC must validate this.
17. The TEC must apply the appropriate per-EFTS funding rates for TEOs, as set out in Table 4 (funding rates) of Appendix 1.

Flexible funding

18. The TEC must establish criteria, based on minimum thresholds for organisational and educational performance, for determining under which circumstances a TEO qualifies for flexible funding (a “qualifying TEO”).
19. However, a TEO is not a qualifying TEO unless it is funded by the TEC to deliver 20 or more EFTS.
20. The TEC must allocate flexible funding, over and above that approved through investment plans, to qualifying TEOs in the following circumstance: the value of provision actually delivered by the TEO, as measured in dollars, is greater than the value of its approved funding allocation.
21. If a qualifying TEO meets the condition specified in paragraph 20 above, the TEC must pay the TEO up to the following limits, either:
 - a. 2% of the qualifying TEO’s approved funding allocation; or
 - b. 10 EFTS, whichever is greater.

22. The TEC may establish criteria to allocate funding above the additional funding limits specified in paragraph 21, provided the TEC has assessed whether the funding available is sufficient for the TEC to provide funding above these limits.

Valid domestic enrolments

23. For the purposes of this funding mechanism, the term “valid domestic enrolment” refers to the enrolment of a learner who is:
- a. a domestic student as defined in section 10(1) of the Act; or
 - b. an Australian citizen or Australian permanent resident currently residing in New Zealand; and
 - c. either:
 - i. aged 16 years and over; or
 - ii. aged under 16 years and meets the criteria determined by the TEC; and
 - d. studying in New Zealand, unless the learner meets the criteria in paragraph 26; and
 - e. has paid or committed to pay their fees (if fees apply).
24. The TEC must establish criteria for determining under which circumstances a learner can be considered to be a valid domestic enrolment, where the learner:
- a. is aged under 16 years; or
 - b. has not paid their fees (if fees apply).
25. The TEC must establish the requirements that TEOs must comply with to verify that a learner is a valid domestic enrolment.

Eligibility for learners studying outside of New Zealand

26. A learner studying outside of New Zealand is a valid domestic enrolment only if the learner meets the criteria in paragraph 23(a), (c) and (e) and:
- a. if the learner is studying at an overseas campus or delivery site (irrespective of whether they are enrolled at the TEO’s New Zealand campus or overseas campus), the learner meets the following criteria:
 - i. is undertaking part (but not all) of the programme outside New Zealand; and
 - ii. is enrolled at a New Zealand TEO in a programme leading to the award of a qualification at Level 7 (non-degree) on the NZQCF; and
 - iii. the study outside New Zealand is full-time and face-to-face (i.e. is not an extramural enrolment); and

- iv. the overseas campus or delivery site is an approved offshore delivery site²; and
- v. is in an approved country identified on the Education New Zealand website.

Inducements

27. Even if a learner meets the criteria specified in paragraph 23, the enrolment is not a valid domestic enrolment for the purposes of this funding mechanism if it has been secured by way of an inducement.
28. An inducement may include a financial incentive or ongoing personal possession of physical items where they induce a learner to enrol. ~~An inducement does not include advertising or offering programmes where learning is undertaken in the work-based pathway to work mode of delivery.~~
29. The TEC must establish criteria for determining what constitutes an inducement.

Eligible programmes and micro-credentials

30. The TEC must ensure that funding paid to a TEO under this funding mechanism ~~is for:~~
 - a. is for one of the following:
 - i. a programme or micro-credential leading to an award on the NZQCF at Levels 3 to 7 (non-degree), or
 - ii. part of a programme or micro-credential, where the programme or micro-credential that it is part of leads to an award on the NZQCF at Levels 3 to 7 (non-degree); and
 - a-b. meets any other criteria specified by the TEC.
31. The TEC may fund a programme or micro-credential, or part of a programme or micro-credential, at Levels 1 and 2 on the NZQCF under this funding mechanism only if it is predominately completed in the work-based or assessment and verification modes of delivery.
- ~~32.~~ A programme or micro-credential, or part of a programme or micro-credential, ~~leading to a qualification at Level 1, 2, or 3 on the NZQCF~~ must include embedded literacy and numeracy if it leads to a qualification:
 - a. at Level 1 or 2 on the NZQCF; or
 - a-b. at Level 3 on the NZQCF and is delivered in the work-based mode of learning.

² Under the [Offshore Programme Delivery Rules 2022](#), or any other rules published on the same basis.

~~32-33.~~ The TEC must set guidelines, to ensure consistency across the sector, on how a TEO will determine the literacy and numeracy needs of eligible learners and provide support to those learners to meet their literacy and numeracy needs.

Health and safety and regulatory compliance learning

~~33-34.~~ The TEC must ensure that funding paid to a TEO under this funding mechanism is not used for a programme or micro-credential where the TEC considers on reasonable grounds that a majority of the programme or micro-credential relates to health and safety or regulatory compliance learning that would displace the responsibility of employers to provide training necessary to mitigate health and safety risks or meet their regulatory compliance obligations.

Cap on high-cost aviation provision

~~34-35.~~ The TEC must ensure that funding for provider-based aviation programmes that includes an in-flight training component does not exceed 450 EFTS.³

Health-related professional programmes and micro-credentials

~~35-36.~~ The TEC may allow funding paid to a TEO under this funding mechanism to be used for programmes and/or micro-credentials, or their component courses that lead to the award of a post-entry health-related professional qualification or micro-credential that:

- a. is of an academic or research nature; and
- b. has a clinical component of 30% or less within the total programme or micro-credential.

~~36-37.~~ The TEC must ensure that funding paid to a TEO under this funding mechanism is not used for programmes and/or micro-credentials, or their component courses, that lead to the award of a post-entry health-related professional qualification or micro-credential that has:

- a. a clinical component of more than 30% within the total programme or micro-credential; and
- b. either:
 - i. a requirement for clinical education and training; or
 - ii. an emphasis on specialist clinical professional skills.

PART TWO: LEARNER COMPONENT FUNDING

Purpose

~~37-38.~~ The purpose of this funding is to support TEOs to put learners at the centre of their organisation and to improve outcomes for learners by:

³ This 450 EFTS cap includes any delivery on the NZQCF at Level 3 and above in aviation, including delivery funded through the *Delivery at Levels 7 (degree) to 10 on the New Zealand Qualification and Credentials Framework* funding mechanism.

- a. supporting all learners, particularly those learners who have traditionally been underserved by the education system; and
- b. recognising that there are higher costs involved in adapting education delivery and support to meet learners' unique needs.

~~39.~~ The learner groups mentioned in this funding determination serve as a proxy for learners who need additional support to be successful in vocational education and training ~~(VET)~~.⁴ The TEC is expected to ensure that TEOs identify the unique needs of all their learners (including through engagement with learners and their communities), make decisions about how to support them, and allocate funding accordingly.

~~38-40.~~ Priorities for learner component funding include delivery of the priorities of the Tertiary Education Strategy, the identified needs of learners enrolled with a TEO, and the development of a TEO's capability and capacity to support learner success.

Funding priority for the learner component

~~39.~~ My priorities for learner component funding are for TEOs to build capability and demonstrate how they will deliver results for all learners (including, where relevant, in supporting employers who deliver work-based learning) by committing to the priorities of the Tertiary Education Strategy.

~~40.~~ Over time, I expect TEOs will develop capability and capacity so that learners:

- a. are well supported by TEOs and employers to enrol in VET qualifications at Levels 3-7; and
- b. have increased completion rates across all VET qualifications at Levels 3-7.

Funding formula and rates

41. The TEC must calculate learner component funding allocations based on the number of valid domestic enrolments who are part of the learner groups identified below at each eligible TEO. Funding allocated under the learner component is in addition to the funding allocated under the delivery component and is not subject to recovery under paragraphs ~~7589-8195~~.

42. This funding does not apply to valid domestic enrolments in the assessment and verification mode of delivery.

43. Learner Component funding is allocated at a rate of \$1,327.00 per EFTS for learners with low prior achievement and/or disabled learners. The learner component rates per EFTS are:

Eligible learner	Rate
Learners with low prior attainment and/or disabled learners	\$1,327.00
Māori and/or Pacific learners at Levels 1-2 (work-based only)	\$152.00
Māori and/or Pacific learners at Levels 3-6	\$152.00

⁴ Vocational education and training, for the purposes of this funding mechanism, refers to delivery eligible to be funded through this funding mechanism.

Māori and/or Pacific learners at Level 7 (non-degree)	\$364.00
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44. A 'learner with low prior attainment' is someone who at the date of enrolment has not previously achieved a qualification on the NZQCF at Level 3 or above or equivalent.

~~45. Following the calculations above, 20% of each allocation will be paid subject to paragraphs 47-52 below.~~

Performance expectations

~~For TEOs that will receive \$100,000 or more of learner component funding~~

~~46. The TEC must develop with each TEO performance expectations that show how the TEO will contribute to meeting the current funding priorities of the learner component, and that are relevant and tailored to each TEO and the needs of its learner populations.~~

~~47. When the TEC has determined that a TEO has met its agreed performance expectations, the TEC must pay the TEO 20% of its learner component allocation.~~

~~48. The TEC must monitor and report progress against the priorities set out in paragraph 40.~~

~~For TEOs that will receive less than \$100,000 of learner component funding~~

~~49. TEOs that receive less than \$100,000 of learner component funding will not be required to set or meet performance expectations.~~

~~50. Subject to paragraph 52, the TEC must pay such TEOs their full learner component allocation based on the funding formula and rates set out in paragraphs 42-46.~~

~~51. The TEC has discretion to determine that any TEO that receives less than \$100,000 of learner component funding must set and meet performance expectations for learner component funding, and payments for the learner component will then be made in accordance with paragraph 48.~~

~~52. —~~

PART THREE: FUNDING CONDITIONS

~~53.45.~~ The TEC must impose the following specific conditions on funding provided to each TEO under this funding mechanism.

Performance standards

~~54.46.~~ The TEC may set minimum and maximum performance and delivery standards for TEOs, including credit achievement standards. If the TEC sets those standards, the TEC must attach to funding a condition that a TEO that receives this funding must meet those standards.

TEOs

~~55.47.~~ The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must meet, and for the length of the funding

period must continue to meet, all of the eligibility criteria specified in paragraph 7 of this funding mechanism.

56-48. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must:

- a. for data returns for work-based modes of delivery, accurately assign a credit value and nominal duration to a programme in order for the correct STM value to be calculated;
- b. for data returns for other modes of delivery –
 - i. accurately assign each of its courses from an eligible programme, micro-credentials and/or component course a course EFTS factor;
 - ii. accurately assign each of its courses to a delivery classification and funding category in accordance with Appendix 1 and the process established by TEC under paragraph 14; and
- c. meet minimum and maximum performance standards specified by the TEC.

Programmes

57-49. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must ensure that each programme or micro-credential and/or its component courses in which an eligible learner is enrolled meets and continues to meet the criteria specified in paragraph 30 of this funding mechanism.

58-50. Where funding is used for programmes or micro-credentials leading to a qualification at Level 1, 2, or 3, the TEC must attach to funding a condition that the programme or micro-credential, or its component course, at Level 1, 2, or 3 includes embedded literacy and numeracy.

59-51. The TEC must attach to funding a condition that a TEO must not use funding paid under this funding mechanism to fund a programme or micro-credential where the TEC reasonably considers that a majority of the programme or micro-credential would displace the responsibility of employers to provide training necessary to mitigate health and safety risks or meet their regulatory compliance obligations.

New Zealand Apprenticeships

60-52. The TEC must attach to funding a condition that a TEO must report programmes that meet the following criteria as New Zealand Apprenticeships:

- a. provide an entry point into an occupation to set a person up for a career in an industry;
- b. meet any regulatory requirements for entry into an occupation;
- c. require a tripartite agreement between the learner, TEO and employer;

- d. contain a strong theoretical component to support further learning, as well as a practical element;
- e. are directly related to the intended career; and
- f. lead to either:
 - i. a qualification at Level 4 on the NZQCF that has a minimum of 120 credits and, if approved by the TEC, additional qualifications at Level 3 or Level 4 on the NZQCF; or
 - ii. multiple qualifications that together have at least 120 credits, provided those qualifications are at Level 3 and Level 4 on the NZQCF, and at least 60 credits are at Level 4 on the NZQCF; and
- g. meet any additional criteria set by the TEC to ensure that the programme is focused on Level 4 outcomes on the NZQCF.

64.53. The TEC must attach to funding a condition that a TEO must report learners as a New Zealand Apprentice through the Industry Training Register if they are a valid domestic enrolment, and are:

- a. enrolled in a New Zealand Apprenticeship programme;
- b. employed in the occupation for which the apprentice is training; and
- c. supported by a training plan agreed by the apprentice, the employer, and the TEO arranging the training, throughout the programme.

62.54. The TEC must approve, and maintain, a register of all New Zealand Apprenticeships, and may withdraw funding approval, with effect for new enrolments after a reasonable notice period.

Subcontracting

63.55. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must:

- a. not subcontract any of the funded activities without the prior written approval of the TEC, and without prior written approval by NZQA (if the TEO is quality assured by NZQA);
- b. comply with any conditions imposed by the TEC ~~on a~~ with written approval to subcontract;
- c. ensure that a subcontracted party does not further subcontract any functions; and
- d. remain accountable for the use of the funding.

Learners and enrolments

64.56. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must verify a learner's ~~identify~~ identity, and

confirm that each learner is a valid domestic enrolment, in accordance with the requirements developed by the TEC.

65-57. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must not:

a. restrict enrolment in programmes and micro-credentials funded under this funding mechanism on the basis of private advantage (for example, enrolment being restricted to the TEO's employees only); or

a-b. secure or seek to secure a valid domestic enrolment through offering of an inducement, as specified in paragraphs 27 to 29.

66-58. The TEC must attach to funding a condition that if a learner is in a ~~work-based: pathway to work,~~ work-based or assessment and verification mode of delivery, the TEO must ensure that it keeps a record of evidence that the learner has a formal training agreement with their employer that is intended to lead to the completion of one or more of the programmes and/or micro-credentials.

67-59. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must provide eligible learners, prior to or during the enrolment process, with a privacy statement that meets criteria set by the TEC about the collection and use of their personal information, and that advises learners that their personal information may be disclosed to the TEC, NZQA, the Ministry of Education, the Ministry of Social Development and Inland Revenue, as appropriate.

Reporting withdrawals to Ministry of Social Development

68-60. The TEC must attach to funding a condition that a TEO that receives funding under this mechanism must report the withdrawal of learners in provider-based and provider-based extramural modes of delivery to the Ministry of Social Development within five working days of each withdrawal. This is to enable student loans and student allowances to be cancelled as soon as possible.

Refunding fees for Withdrawals

69-61. General refund provisions under section 357 of the Act relating to domestic students enrolled in registered PTEs apply.

70-62. For TEIs, the TEC must attach to funding a condition that, if fees are to be refunded to a learner on the basis that the learner withdrew on or before the withdrawal date, the TEI must, as soon as reasonably practicable, pay the refund:

a. to the Ministry of Social Development, if the student paid the fees using the Student Loan Scheme; or

b. directly to the learner or employer, depending on who paid the fees.

High-cost provision

71.63. If the TEC allocates funding to a TEO for high-cost provision, the TEC must attach the following condition or conditions to funding:

Aviation

72.64. A TEO funded through the provider-based mode of delivery must not use funding provided under this funding mechanism to fund high-cost provision, as specified in paragraph 35, above the volume of EFTS for that provision at the TEO that the TEC has agreed to fund.

73.65. The TEC must attach to funding a condition that each TEO that is allocated EFTS for aviation provision that includes an in-flight training component (pilot training) must supply the Ministry of Social Development with the correct learner enrolment information, through the Verification of Study system, that ensures that:

a. annual student loan fee borrowing for any pilot training learner does not exceed \$35,000 per EFTS; or:

~~i. if the learner is not eligible for the first-year Fees Free scheme, \$35,000 per EFTS, as set out in paragraphs 78 and 79 and in any delegation to the TEC in force relating to the funding of Fees Free tertiary education and training that is issued under section 409(1)(j) of the Act; or~~

~~ii. if the learner is eligible for the first-year Fees Free scheme, \$35,000 per EFTS, less the amount payable to a TEO by the TEC on behalf of the learner for fees in accordance with criteria set out in paragraphs 78 and 79 and in any delegation to the TEC in force relating to the funding of Fees Free tertiary education and training that is issued under section 409(1)(j) of the Act; and~~

b. where a pilot training learner is studying part-time, annual student loan fee borrowing does not exceed the proportion of \$35,000 that is represented by the proportion of the EFTS course load being undertaken by the learner; ~~less any fees payment made by the TEC on behalf of the learner (as set out in paragraphs 78 and 79 and in any delegation to the TEC in force relating to the funding of Fees Free Tertiary Education and training). For example, if a learner is studying 0.4 EFTS units in the year, the student loan borrowing limit will be \$14,000. For those eligible for the first-year Fees Free scheme payment, the student loan borrowing limit for 0.4 EFTS units in the year would be \$14,000, less the amount payable to a TEO by TEC on behalf of the learner for fees.~~

Fees and associated course costs

74.66. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism:

- a. must pay for the essential equipment, infrastructure and hardware required to deliver a particular programme, micro-credential and/or component course⁵; and
- b. in relation to the provision of essential equipment, including computers, diving hardware, and chainsaws, must not:
 - i. include the costs of these items in any fees, compulsory course costs, or student services fees, charged to learners; or
 - ii. require the costs to be met through the “course-related costs” component of the Student Loan Scheme, as a condition of enrolment for learners; and
- c. must not meet the costs of overseas travel for learners through the use of funding obtained under this funding mechanism or via the Student Loan Scheme, unless the overseas travel is academically essential.

~~75-67.~~ For the purposes of paragraph ~~7466~~(c) above, the TEC must develop guidelines determining when overseas travel is academically essential.

~~76-68.~~ The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must comply with the Fee Regulation Settings specified in Part Four of this funding mechanism.

Fees Free tertiary education and training

~~69.~~ The TEC will work with the sector and other government agencies to support the implementation of the Fees Free schemes.

~~77.~~ The TEC must attach to funding a condition that a TEO must not charge an eligible learner, or their employer if applicable, an amount in respect of fees (as defined by any delegation to the TEC in force relating to the funding of the first-year Fees Free scheme and issued under section 409(1)(j) of the Act) otherwise payable by the learner, or their employer if applicable, if the TEC has advised the TEO that the TEC will:

- a. if the TEO is not a registered PTE, pay that amount to the TEO in respect of fees on behalf of the learner, or their employer if applicable; or
- b. if the TEO is a registered PTE, compensate the registered PTE for that amount in respect of fees forgone as a result of the condition required to be imposed under this paragraph.

~~78.~~ For the purposes of the condition that the TEC must impose under paragraph ~~78~~ (above), the TEC must determine each amount payable to a TEO by the TEC in accordance with criteria set out in any delegation to the TEC in force

⁵ The phrase “equipment, infrastructure and hardware” refers to those items that can be used by successive intakes of learners. It does not include personal items which are provided for individual learner use and which the TEO does not retain for the next intake of learners nor does it refer to the infrastructure used by learners in ~~work-based: pathway to work~~, work-based or assessment and verification modes.

~~relating to the funding of the first-year Fees Free scheme and issued under section 409(1)(j) of the Act.~~

~~70.~~ 70. The TEC must attach to funding a condition that each TEO must work with the TEC to give effect to the Fees Free schemes. In particular, the TEO must provide information as required by the TEC, to enable the TEC to understand the entitlement use of eligible learners, and fees charged for eligible programmes and micro-credentials.

~~79.~~ ~~Any fees in excess of the amount payable by the TEC under paragraphs 78 and 79 may be charged by the TEO to the learner, or their employer if applicable.~~

~~80.~~ ~~The TEC may impose conditions to give effect to the Fees Free schemes.~~

Learner component funding

~~81.~~ 81-71. The TEC must attach to learner component funding a condition that a TEO must:

- a. identify the unique needs of all learners (including through engagement with learners and their communities);
- b. make decisions about how to support learners; and
- c. allocate funding accordingly.

~~82.~~ ~~The TEC must attach to funding a condition that a TEO required to set and meet performance expectations must demonstrate how it will deliver results for learners and commit to the priorities of the Tertiary Education Strategy.~~

~~83.~~ ~~If the TEC has identified that a TEO must set and meet performance expectations under paragraph 47 or 52, the TEC must attach to funding a condition that the TEO:~~

~~84.~~ ~~_____~~

~~85.~~ ~~must, if paragraph 47 is applicable, review its performance expectations each year and take one of the following actions:~~

~~86.~~ ~~if the TEO considers that changes to the performance expectations are required, it must submit amended performance expectations for approval by the TEC; or~~

~~87.~~ ~~if the TEO considers that its existing performance expectations are appropriate, advise the TEC that it has completed its review and no changes to the performance expectations are required; and~~

~~88.~~ ~~provide any information specified by the TEC within timeframes specified by the TEC to enable the TEC to monitor the TEO's performance against the performance expectations.~~

No other funding

89-72. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must:

- a. not (without the TEC's prior written ~~approval~~consent) seek or obtain funding from any Crown source other than the TEC to fund a programme or micro-credential that is funded under this funding mechanism; 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.

Responsible use of funding

90-73. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism 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.

TEC administrative responsibility in the case of under-funding

91-74. If a TEO receives funding under this funding mechanism that is less than it should have been, or than what it was entitled to receive, the TEC must treat the amount of the under-funding as a credit and pay the amount of the under-funding as soon as reasonably practicable.

Recovery of funding

92-75. The TEC must attach to funding a condition that if a TEO receives delivery component funding under this funding mechanism that is greater than it should have been, or that it was not entitled to receive as determined by the TEC, 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.

93-76. The TEC must provide the TEO with reasonable notice before exercising its right to demand repayment or set-off the debt against all or any funding.

94-77. For the purposes of this condition, a TEO will have received funding that was "greater than it should have been" if the total dollar value of the provision funded under this funding mechanism that is delivered by a TEO within a funding year is less than 99% of the total dollar value for the provision paid to the TEO under this funding mechanism.

95-78. In that situation, the percentage of funding that is repayable is equal to the difference between the bottom of the tolerance band (99%) and the percentage value of the provision that was delivered.

Over-delivery

96-79. The TEC must attach to funding a condition that a TEO cannot deliver provision above 105% of their approved allocation without prior written approval from the TEC.

Recovery of funding in case of deviation from approval

97-80. The TEC must attach to funding a condition that if a TEO deviates materially and substantially from their commitments of delivering specific subject areas, programme or micro-credential levels and/or the modes of delivery for which funding is approved, the TEC may treat the funding for that programme or activity as recoverable 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.

98-81. The TEC must provide the TEO with reasonable notice before exercising its right to demand repayment or set-off the debt against all or any funding.

Repayment of funding following revocation of funding approval

99-82. The TEC must attach to funding a condition that if, in accordance with clause 16 of Schedule 18 of the Act, the TEC suspends or revokes some or all of a TEO's funding paid under this funding mechanism before that funding has been used or contractually committed towards the purposes for which that funding was provided, then 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.

Disclosure of data from Statistics New Zealand's Integrated Data Infrastructure

100-83. The TEC must attach to funding a condition that a TEO consents, for the purposes of section 39(2)(a) of the Data and Statistics Act 2022, to Statistics New Zealand disclosing information to the Ministry of Education and the TEC from its Integrated Data Infrastructure that identifies, or may identify, the TEO.

101-84. The TEC must inform TEOs that the Data and Statistics Act 2022 does not constrain the ongoing use or sharing of the TEO-level data once it is disclosed.

Benchmarking

102-85. The TEC must attach to funding a condition that a TEI must participate as appropriate in benchmarking, including:

- a. providing the TEC, or any vendor contracted by the TEC for benchmarking purposes, with financial and performance information as requested, in a timely manner; and

- b. engaging with follow-up questions and related quality assurance processes, in a timely manner; and
- c. contributing to the cost of any vendor contracted by the TEC, at a rate determined by the TEC.

PART FOUR: FEE REGULATION SETTINGS

[These sections were consulted on through the New Zealand Gazette, as required under sections 419(3)(d) and 420(1)(b) of the Education and Training Act 2020. Once public consultation is completed and fee regulation settings are finalised by the Minister, they will be reflected in the final version of this section.]

APPENDIX 1: CALCULATION OF FUNDING

Table 1: Delivery Classification

#01	Agriculture; Horticulture
#02	Architecture; Quantity Surveying
#03	Arts; Advanced Studies for Teachers; Health Therapies; Humanities; Languages; Social Sciences
#03.1	Osteopathy; Acupuncture
#04	Business; Accountancy; Office Systems/Secretarial; Management
#05.2	General Education
#06	Computer Science
#11	Engineering; Technology
#11.1	Priority Engineering
#11.2	Pilot Training
#12	Fine Arts; Design
#13	Health Sciences (excluding classifications #07, #15, and #17)
#14	Law
#16	Music and Performing Arts
#17	Health Related Professions
#18	Science
#22	Trades
#38	Foreign-Going Nautical
#42	Mātauranga Māori and Te Reo Māori
#43	Mathematics

Delivery to which this funding mechanism relates that has a delivery classification code that is not included in the table above must be mapped by the TEC to the most appropriate delivery classification code within the above table based on the contents of the programme, micro-credential and/or component courses.

Table 2: Funding categories: alphabetic code

UFS s Subject category	Delivery classification guide numbers and subject areas
<p>F1</p> <p>Humanities, Business and Social Service Vocations</p>	<p>#03: Arts; Advanced Studies for Teachers; Health Therapies; Humanities; Languages; Social Sciences.</p> <p>#04: Business; Accountancy; Office Systems/Secretarial; Management.</p> <p>#5.2: General Education (unclassified)</p> <p>#14: Law</p> <p>#43: Mathematics</p>
<p>F2</p> <p>Trades, Creative Arts, Information Technology and Health-related Professions</p>	<p>#02: Architecture; Quantity Surveying</p> <p>#06: Computer Science</p> <p>#12: Fine Arts; Design</p> <p>#16: Music and Performing Arts</p> <p>#17: Health Related Professions</p> <p>#22: Trades</p>
<p>F3</p> <p>Agriculture, Engineering, Health Sciences and Science</p>	<p>#01: Agriculture and Horticulture</p> <p>#3.1: Osteopathy, Acupuncture</p> <p>#11: Engineering, Technology</p> <p>#13: Health Sciences</p> <p>#18: Science</p>
<p>F4</p> <p>Pilot Training and Priority Engineering</p>	<p>#11.1: Priority Engineering (leading to qualifications at Level 5 or above)</p> <p>#11.2: Pilot Training</p>
<p>F5</p> <p>Foreign-going Nautical and Specialist Agriculture</p>	<p>#01: Agriculture and Horticulture (leading to qualifications at Level 5 or above)</p> <p>#38: Foreign-Going Nautical</p>
<p>F6</p> <p>Mātauranga Māori and Te Reo Māori</p>	<p>#42: Mātauranga Māori and Te Reo Māori</p>

Table 3: Funding categories: modes of delivery

Mode	Description
Provider-based*	Learners study mainly in a campus setting with some supported self-directed learning. Providers are responsible for learners' pastoral care and learning support.
Provider-based: extramural	Learners study mainly away from a campus setting but not in the workplace. Learners undertake supported self-directed learning and the provider is responsible for the learners' pastoral care and learning support.
Work-based	Learners study mainly in the workplace with some supported self-directed learning. Learners are supported in their training by both the provider and employer. Providers are responsible for learners' pastoral care and learning support in conjunction with the employer.
Work-based: pathway to work	Learners have completed some study in the provider-based mode. Providers assist learners to find jobs with training agreements and support them to establish their learning in the workplace. All other work-based responsibilities are the same as the work-based mode. This rate will be limited to the transition period between study and work.
Assessment and verification:	Learners receive training in the workplace. The employer has created or purchased a programme of study leading to a qualification and delivers this. Providers work with employers to map the programme to the appropriate New Zealand qualification. The provider retains the responsibility for the learners' pastoral care and learning support and supports the employer in providing these. Providers are responsible for the quality of assessment.
* All delivery to learners residing in a Correctional facility receives the funding rate for the 'provider-based' mode of delivery	

Table 4: The funding rates

Funding categories	Mode of delivery / \$ per EFTS				
	Provider-based	Provider-based: extramural	Work-based	Work-based: pathway to work	Assessment and verification
Humanities, Business and Social Service Vocations (F1)	\$6,584	\$6,584	\$5,704 <u>\$5,131</u>	\$6,904	\$1,658
Trades, Creative Arts, Information Technology and Health-related Professions (F2)	\$10,469 <u>\$10,992</u>	\$10,469 <u>\$10,992</u>	\$7,825 <u>\$7,277</u>	\$9,732	\$1,658
Agriculture, Engineering, Health Sciences and Science (F3)	\$11,786 <u>\$12,375</u>	\$11,786 <u>\$12,375</u>	\$8,543 <u>\$7,945</u>	\$10,693	\$1,658
Pilot Training and Priority Engineering (F4)	\$14,419 <u>\$15,140</u>	\$14,419 <u>\$15,140</u>	\$9,984 <u>\$9,285</u>	\$12,613	\$1,658
Foreign-going Nautical and specialist Agriculture (F5)	\$19,753	\$19,753	\$12,900 <u>\$11,610</u>	\$16,499	N/A
Mātauranga Māori and Te Reo Māori (F6)	\$7,827 <u>\$8,094</u>	\$7,827 <u>\$8,094</u>	\$7,827 <u>\$8,094</u>	\$7,827	\$1,782 <u>\$1,843</u>
* All delivery to learners residing in a Correctional facility receives the funding rate for the 'provider-based' mode of delivery					