

STUDENT SUPPORT INFORMATION NOTE:

**2011/12 : ARRANGEMENTS FOR STUDENTS
FUNDED UNDER THE STUDENT SUPPORT
REGULATIONS**

TO:

LOCAL AUTHORITIES (for the attention of Student Support Awards Officers)

INSTITUTIONS OF HIGHER EDUCATION
IN THE UNITED KINGDOM PROVIDING DESIGNATED HIGHER
EDUCATION COURSES

DEVOLVED ADMINISTRATIONS

THE STUDENT LOANS COMPANY

SSIN 01/11

October 2010

Dear Colleague

HIGHER EDUCATION STUDENT SUPPORT IN ENGLAND IN 2011/12:

**THE EDUCATION (STUDENT SUPPORT) REGULATIONS 2009
(AMENDMENT) REGULATIONS 2010 (S.I. 2010 No. 2546)**

The Education (Student Support) Regulations 2009 (Amendment) Regulations 2010 (S.I. 2010 No. 2546) were laid before Parliament on 21 October 2010 and will come into force on 12 November 2010, subject to consideration by Parliament. They introduce changes to support for students starting and continuing their courses in the 2011/12 Academic Year and also make some minor amendments to the Education (Student Support) Regulations 2009 (S.I. 2009/1555).

The main changes in the Regulations for 2011/12 were announced by the Minister of State on 21st October 2010. They increase the amounts of grants for tuition fees (for those full-time students who are still eligible for such grants), and the amounts of student loans for tuition fees for eligible full-time students. Maximum amounts and household income thresholds for loans and grants for living costs that are available for eligible full-time students remain at 2010/11 levels for 2011/12. Support packages for part-time and distance

learning students will also remain at 2010/11 levels from 1st September 2011. The other changes are minor policy and technical amendments to ensure that the Regulations accurately and clearly reflect policy.

All the changes are summarised in the Annexes below and in the Explanatory Memorandum which is available on the Office of Public Sector Information (OPSI) website at:

<http://www.opsi.gov.uk/si/201025>

Electronic copies of the Education (Student Support) Regulations 2009 (Amendment) Regulations 2010 (S.I. 2010 No. 2546) can be downloaded from the same website.

Those organisations needing paper copies of the regulations and Explanatory Memorandum should phone, email or write to the Stationery Office (please see contact details below).

ENQUIRIES

If you have any queries about the Student Support Regulations, please contact, in the first instance, the Student Finance England Practitioner Support Team - telephone 0845 6020583; email: SSIN_queries@slc.co.uk

ORDERING COPIES OF THE STUDENT SUPPORT REGULATIONS

The Regulations can be ordered from The Stationery Office at:

TSO Orders/ Post Cash Dept
PO Box 29
Norwich
NR3 1GN

Telephone: 0870 600 5522

Email: customer.services@tso.co.uk

Online: www.tsoshop.co.uk

ANNEX A

Summary of Student Support Package for the 2011/12 Academic Year		
<i>Mode of Study</i>	<i>Support Package</i>	<i>Changes for 2011/12</i>
Full time.	Fee loans.	Maximum amounts increased from £3,290 to £3,375.
Full time.	Fee grants and fee contribution loans for old system students.	Maximum amounts increased from £1,310 to £1,345.
Full time.	Maintenance grants and loans.	No change to tapers, thresholds and maximum amounts.
Full time.	Adult dependants' grant, childcare grant, parents' learning allowance, long courses loan and travel grant.	No change to tapers, thresholds and maximum amounts.
Full time, part time, full time distance learning, postgraduate.	Disabled students' allowances.	No change to maximum amounts.
Full time.	Higher education grants for old system students.	No change to tapers, thresholds and maximum amounts.
Part time.	Fee grants and course grants.	No change to tapers, thresholds and maximum amounts.

ANNEX B

MINOR POLICY AND TECHNICAL CHANGES TO THE STUDENT SUPPORT REGULATIONS FOR 2010/11.

1) Restricting the number of years' fee and Maintenance Grant support for students already holding certain lower level higher education qualifications who wish to "top up" their qualification to an honours degree. (Regulations 2 and 23)

Full-time students holding a lower level higher education qualification are eligible to apply for further fee and maintenance grant support to 'top up' their course to an Honours Degree. The general policy for students holding a lower level qualification is that they should be eligible to apply for a limited number of years' fee and maintenance grant support to achieve a higher level qualification.

The amendment clarifies the policy intention that those students holding any lower level HE qualifications who wish to 'top-up' to an Honours degree are eligible to apply for a limited number of years' fee and maintenance grant support rather than for the full duration of their Honours course.

These Regulations amend the definition of an 'end-on course' in Regulation 2(1) of the 2009 Regulations to include only courses mentioned in paragraphs 2, 3 or 4 of Schedule 2 or foundation degree courses in the list of courses that are completed and where a qualification is achieved immediately before a student starts a full-time first degree course beginning on or after 1st September 2009.

Also, the definition of a 'preliminary course' in Regulation 2(1) of the 2009 Regulations is amended to include only courses mentioned in paragraphs 2, 3 or 4 of Schedule 2 or overseas equivalents and foundation degrees or overseas equivalents.

An amendment is also made to Regulation 23(2)(b) of the 2009 Regulations to ensure that the provisions in this regulation only apply to courses listed in paragraphs 2, 3 or 4 of Schedule 2 of the 2009 Regulations or overseas equivalents and foundation degrees or overseas equivalents that are completed and where a qualification is achieved before a student begins their current course on or after 1st September 2009.

2) Excluding students who already hold an honours degree from receiving fee and Maintenance Grant support for a further degree course. (Regulation 2)

Full-time students studying for a first degree are eligible to apply for fee and maintenance grant support as well as loans for living costs. However, students are not entitled to receive fee and maintenance grant support to pursue a qualification at a level that is equivalent to or lower than one they

already hold, referred to as an equivalent or lower qualification (ELQ). For example, the policy intention is to prevent a student who already has a qualification at honours degree level from receiving fee and maintenance grant support to take a second undergraduate degree course.

Regulation 2 (5) of the 2009 Regulations allows the Secretary of State to determine that a qualification is an ELQ where a qualification already held by the student is of a level equivalent to or higher than the level of the qualification to which the current course leads. It is amended to make explicit that this will apply where a student holds a UK honours degree.

3) Excluding the Higher Education bursary paid to students leaving care from calculations of income made in assessing entitlement to means-tested grants. (Regulations 42, 122, 139)

From August 2009, a non-taxable bursary has been payable by local authorities to care leavers who started higher education on or after 1st September 2008. The purpose of the bursary is to ensure that care leavers do not leave university with disproportionately higher debts than their peers and/or drop out before completing their courses. It is also intended to encourage participation by care leavers in higher education.

No amendment is required to the income assessment provisions relating to the full-time student support package as these are based on gross taxable income (which excludes all bursaries). However, the higher education (HE) bursary is included in the definition of gross household income which is the basis for calculating fee and course grants for students taking part-time and full-time distance learning courses.

An amendment to regulation 2(1) defines the Higher education bursary. Regulation 122(4)(f) of the 2009 Regulations is amended to ensure that the HE bursary is excluded from the household income assessment for full-time distance learning courses. Regulation 139(4) (f) of the 2009 Regulations is amended to ensure that the HE bursary is excluded from the household income assessment for part-time courses. These amendments ensure that the award of the HE bursary does not reduce the amount of support part-time and full-time distance learning students receive.

An amendment is also made to Regulation 42 (2) to the 2009 Regulations to add the HE bursary to the items to be disregarded when calculating dependants' net income for the purposes of determining entitlement to dependants' grants.

4) Defining a family member in line with Article 2 of EU Directive 2004/38 (Schedule 1)

Schedule 1 to the 2009 Regulations defines various categories of students and their relatives who may be eligible for elements of the student support package. In relation to European Economic Area (EEA) workers and self – employed persons, Schedule 1 of the 2009 Regulations refers to a child of that person or the child of that person's spouse or civil partner.

An amendment to Schedule 1, paragraph 1 of the 2009 Regulations is made to replace references to 'a child' with one that refers to direct descendants of the person, the person's spouse or civil partner who are under the age of 21 or dependent on the person or person's spouse or civil partner.

This change aligns the definition of a family member for EEA workers with that for other categories of students in the 2009 Regulations and the definition of a family member in Article 2 of EU Directive 2004/38.

**5) Amendment to ensure that where a student applies for a current year income assessment, the correct financial year's income is used.
(Schedule 4)**

Under the 2009 Regulations, where parental income is assessed to determine a student's entitlement to full-time grants and loans for living costs, the income used is that based on the financial year before the financial year that precedes the start of the academic year (the prior financial year).

However, if the income for the financial year in which the start of the course falls (the current financial year) is not likely to be more than 85% of prior year income, students can ask for the means-test to be based on an estimate of income for the current financial year. Using a "current year assessment" prevents students suffering hardship that might prevent them continuing their studies when household income drops significantly.

Where a current year assessment has been allowed, the financial year assessed becomes the reference year for the assessment of support in the following academic year, with actual, rather than estimated, income now being considered. The income used for the following academic year will therefore be based on the previous financial year.

Schedule 4, paragraphs 5 (3) and (4) of the 2009 Regulations are amended to clarify the policy intention where a student requests a second or subsequent current year assessment in consecutive academic years. The amendment ensures that the previous year's financial income is used for such cases.

**6) Technical amendment to ensure that full-time students eligible for a means-tested healthcare bursary qualify for a reduced rate loan for living costs only and part-time and full-time distance learning students eligible for a healthcare bursary do not qualify for student support.
(Regulations 2, 5, 116, 120, 123, 133 and 150)**

Students who are studying for certain health care qualifications have their tuition fees paid by the Department of Health and are eligible to apply for related bursaries and other support such as disabled students' allowances under Department of Health provisions. Because they have access to this support, their eligibility for student support is reduced. Where a means tested healthcare bursary is available, the policy intention is that students are eligible to apply for a reduced rate loan for living costs, but not for a tuition fee loan or grants for living costs. Where a bursary that is not means tested is available,

the policy intention is that students do not qualify for any full-time grants and loans. In addition, students studying for healthcare qualifications do not qualify for support for part-time or full-time distance learning courses or for postgraduate disabled students' allowances.

The 2009 Regulations are amended to clarify the general policy intention that support under the Student Support Regulations is restricted for all students who are eligible to apply for healthcare bursaries, rather than just those who actually receive them.

The definition of a 'bursary year' in Regulation 2(1) of the 2009 Regulations is amended to clarify that all full-time students eligible to apply for a means-tested healthcare bursary or Scottish healthcare allowance, whether or not they receive a payment, can only apply for the reduced rate loan for living costs.

Regulation 5(3)(c) of the 2009 Regulations is amended to clarify that students who are eligible to apply for a non means-tested healthcare bursary or any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007, do not qualify for full-time fee loans and grants and loans for living costs.

Regulation 116(3)(a) of the 2009 Regulations is amended to clarify that students who are eligible to apply for healthcare bursaries or any allowances under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007, do not qualify for full-time distance learning fee grants, course grants and disabled distance learning students' allowances.

Regulations 116(4), 120(3) and 123(3) of the 2009 Regulations are removed to clarify the policy intention that disabled students who are eligible to apply for a means-tested healthcare bursary do not qualify for full-time distance learning fee grants, course grants and disabled distance learning students' allowances. Previously, Regulation 116(4) created an exception for disabled students receiving means tested bursaries to a general disqualification from eligibility for distance learning support, but Regulations 120(3) then disqualified these students from receiving fee and grants and Regulation 123(3) disqualified them from receiving disabled students allowances. Removing the exceptions delivers the policy intention in a simpler way.

Regulation 133(3)(a) is amended to clarify that students who are eligible to apply for healthcare bursaries or allowances under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007, do not qualify for part-time fee grants, course grants and disabled part-time students' allowances.

Regulation 150(4)(a) is amended to clarify that students who are eligible to apply for healthcare bursaries, allowances under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007 or certain other allowances, bursaries or awards of similar description do not qualify for postgraduate disabled students' allowances.

7) Technical amendment to ensure that students undertaking work placements under the European Action Scheme for the Mobility of University Students (ERASMUS) are eligible to apply for full-time grants and loans for living costs. (Regulations 2, 39, 48, 49, 52, 83, and 87)

ERASMUS is an EU scheme that enables higher education students in 31 European countries to study for part of their degree in another country. During an academic year that is an “Erasmus year”, the policy intention is that these students may study at an institution or attend a work placement in their chosen country.

For clarification purposes, these Regulations amend the 2009 Regulations by referring to students attending a work placement as part of an “Erasmus year”. Therefore “Erasmus year” students on work placements have the same entitlement to support as other ERASMUS students, rather than a reduced entitlement that applies to other students on work placements as part of a sandwich course.

The definition of an “Erasmus year” in Regulation 2(1) of the 2009 Regulations is amended to include periods of work placement attended at a workplace outside the United Kingdom. The definition of a sandwich course in Regulation 2(10) of the 2009 Regulations is amended to exclude an academic year that is an “Erasmus year”.

Regulation 39(2) of the 2009 Regulations is amended to clarify that students on a period of study or work placement as part of an “Erasmus year” are treated as being in attendance on their course for the purpose of qualifying for grants for living and other costs. Regulations 48, 49 and 52 of the 2009 Regulations are amended to clarify that students undertaking ERASMUS work placements are eligible to apply for a grant for travel.

Regulation 83(2) of the 2009 Regulations is amended to clarify that students on a period of study or work placement as part of an “Erasmus year” are treated as being in attendance on their course for the purpose of qualifying for loans for living costs.

Regulation 87(c) of the 2009 Regulations is amended to clarify that students undertaking a work placement as part of an “Erasmus year” are eligible to apply for the overseas rate of loan for living costs.

8) Technical amendment to ensure that only full-time courses of Initial Teacher Training starting on or after 1st September 2010 are designated as full-time courses. (Regulation 6)

The 2009 Regulations provide that full and part-time undergraduate and postgraduate courses of Initial Teacher Training (“ITT courses”) starting before 1st September 2010 are designated as full-time courses and attract the full-time fee and maintenance support package (with part-time courses attracting a half-rate fee loan and maintenance grant). Regulation 6(1)(b) of the 2009 Regulations is amended to fully clarify this policy and ensure that

only full-time teacher training courses starting on or after 1st September 2010 are designated as full-time courses.

**9) Technical amendment to correct a typographical error.
(Regulation 141)**

Regulation 141(5) is amended to correct a reference to the Institute (the University of London Institute in Paris).