

# Support for Part-Time Students

## Higher Education Student Finance in England 2016/17 Academic Year May 2016 September version 1.1

Version 1.1 (Sept 2016) has been updated to reflect the change in Government Department from the Department for Business Innovation and Skills (BIS) to the Department for Education (DfE). Additionally references to the former Department for Employment and Learning (DEL) Northern Ireland, have been updated to reflect the new department name: Department for Economy Northern Ireland (DfENI).

This chapter provides guidance on Part-Time Grants and Tuition Fee Loans (Regulations 136 to 157) Guidance on other grants for living and other costs payable under Part 5 of the Education (Student Support) Regulations 2011 (2011/1986) as amended by the Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (2012/1653), the Education (Student Support and European University Institute) (Amendment) Regulations 2013 (2013/1728), the Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (2013/630), The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Savings Provisions) Order 2013 (2013/235) and the Further and Higher Education (Student Support) (Amendment) Regulations 2014 (2014/2765) and the Education (Student Support) (Amendment) Regulations 2015 (2015/1951).

This guidance is not exhaustive and nothing in this guidance can replace the Regulations and if there is any difference between this guidance and the Regulations, the Regulations prevail. This guidance is based on the Regulations as they stand at the time of publication. The Regulations may change in future.

From AY 2015/16 eligible students who hold an Honours degree or higher level qualification will be able to access tuition fee loans for a part-time Honours degree or integrated Masters Degree in engineering, technology or computer science.

If you have any enquiries on this guidance, please contact:

Name	Telephone	E-mail
SLC Student Support Team, Darlington	0300 100 0618	ssin.queries@slc.co.uk

**TABLE OF CONTENTS**

<b>Introduction</b> .....	<b>3</b>
<b>General</b> .....	<b>3</b>
<b>Length of the course</b> .....	<b>6</b>
<b>Course load</b> .....	<b>6</b>
<b>Students who transfer from one designated part-time course to another</b> ....	<b>15</b>
<b>Students whose status as an eligible student is converted to that of an eligible part-time student (Regulation 152)</b> .....	<b>15</b>
<b>Students whose status as an eligible part-time student is converted to that of an eligible student (Regulation 152)</b> .....	<b>17</b>
<b>Students who have been in receipt of discretionary awards</b> .....	<b>17</b>
<b>Students who have been in receipt of post-compulsory education awards</b> ..	<b>17</b>
<b>Students who repeat years of their course</b> .....	<b>17</b>
<b>Specifically designating courses at private institutions</b> .....	<b>18</b>
<b>Overpayments</b> .....	<b>18</b>
<b>Students on Distance Learning courses (including full-time distance learning courses that started before 1 September 2012)</b> .....	<b>19</b>
<b>Open University</b> .....	<b>20</b>
<b>Additional Guidance for Open University (OU) courses (ANNEX 1)</b> .....	<b>21</b>

## INTRODUCTION

This section provides details on the eligibility criteria for the financial support package for part-time students. Information on Disabled Students' Allowances (DSAs) can be found in the guidance chapters "Disabled Students' Allowances – Continuing DSA Students" and "Disabled Students' Allowances – New DSA Students".

## POLICY

### GENERAL

#### **Support for part-time courses that start on or after 1 September 2012**

Students who start a part-time course on or after 1 September 2012 may be eligible for a non-means tested loan for tuition fee of up to £6,750 where the course is provided by or on behalf of a publicly funded institution. The tuition fee for a course provided by or on behalf of a publicly funded institution cannot exceed £6,750, so the student will be able to access a loan to cover the full tuition fee. Where the course is wholly provided by a private institution, the maximum tuition fee loan available is £4,500. Note that tuition fees for courses wholly provided by private institutions are not capped and the student will therefore have to self-fund any tuition fee that exceeds the maximum tuition fee loan available.

In order to be eligible for a part-time tuition fee loan, intensity of study must be at least 25% of a full-time equivalent course in each year of the course and over the whole duration of the course (see paragraph below for a description of intensity of study calculations). However, the amount of part-time tuition fee loan available is not linked to the intensity of study.

Payment of part-time tuition fee loans is made directly to the HEP. No payment of part-time tuition fee loan will be made until the student has been undertaking the course for at least two weeks of the academic year.

Regulation 149 provides that institutions are required, where a student starts a course on or after 1 September 2012, to confirm that the applicant has enrolled on that academic year of the designated part-time course and has undertaken two weeks of the course.

#### **Support for part-time courses that started before 1 September 2012**

All eligible part-time students who are continuing on a part-time course that they commenced before 1 September 2012 and who meet the qualifying conditions will be entitled to receive the following two statutory non-repayable grants:

- **A grant in respect of tuition fees:**

The grant is linked to the intensity of study. Intensity of study is calculated annually and is based on the actual intensity of study undertaken by the student in each academic year.

Intensity of study is calculated by using the formula  $PT \div FT \times 100$  to obtain a percentage figure.

In this formula PT represents the number of modules, credits, credit points or other similar unit of measurement used by the academic authority that will be awarded to the student if he successfully completes the academic year for which he is applying for support.

FT represents the number of modules, credits, points or other similar unit of measurement specified by the academic authority that a standard full-time student would be required to complete in an academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

Example: Student A is in the sixth year of a part-time degree course in AY 2016/17. At the beginning of the year the student agrees with his HEP that he intends to complete 90 credit points in the academic year (this gives the PT figure to be used in the formula as outlined above). The number of credit points that a standard full-time student would be required to complete in an academic year in order to complete the full-time equivalent course within the period ordinarily required for such a course is 120 (this gives the FT figure to be used in the above formula).

Inserting these figures into the formula  $PT/FT$  multiplied by 100 gives  $90/120$  multiplied by 100 – which gives an intensity rate of study of 75% in Year 6 of the student's course.

For students studying at an intensity of less than 60% FTE, the maximum fee grant available will be £855. For those studying at 60% FTE or more but less than 75% FTE, the maximum fee grant available will be £1025. For those studying at 75% FTE and above, the maximum fee grant available will be £1,285.

An eligible student who meets the qualifying conditions will be entitled to up to either the limit determined according to the intensity of study or the tuition fee charged by the HEP, whichever is lower. Payment of fee grant will be made direct to the HEP.

Please note that above fee grant and course grant are non-repayable products, however where the student has received an overpayment of grant then this would have to be repaid by the student via appropriate methods of recovery process. For example an overpayment of a grant can occur as a result of a change in student's circumstances.

- **A grant in respect of course expenditure:**

The maximum amount of the grant is £280 in 2016/17. Payment of the grant will be made by the Student Loans Company (SLC) direct to the student.

The Additional Fee Support Scheme (AFSS) was available for part-time undergraduate students who started a course before 1 September 2012 and whose statutory fee support was insufficient to meet the full tuition fee, which could prevent the student from accessing and remaining in Higher Education because of financial hardship. From AY 2014/15 the AFSS was transferred to the Higher Education Funding Council in England (HEFCE). Students in hardship are still able to apply for help and discretion will still rest with institutions. Students should contact their institution's Student Welfare Officer for further information.

Regulation 149 requires that institutions are required to certify all application forms submitted by students who started a course before 1 September 2012. Where the applicant is applying for support in connection with their designated part-time course for the first time the institution must confirm that the applicant has been undertaking their designated part-time course for at least two weeks. In any other case the institution must confirm that the student has enrolled to undertake the academic year of the designated part-time course for which the applicant is applying for support (Regulation 149(4) refers).

Part-time students with disabilities who meet the qualifying conditions will be able to get part time Disabled Students' Allowances (DSAs). The amounts available to part-time students for the current academic year are as detailed in Regulation 147.

The eligibility criteria for part-time student support consists of three elements:

- Course Eligibility
- Personal Eligibility

- Financial Eligibility

## COURSE ELIGIBILITY

To potentially qualify for part-time grants (including DSAs) or part-time tuition fee loan the students must undertake a designated part-time course. Regulation 139 sets out which courses are considered as designated part-time courses. A part-time course will be a designated part-time course if it meets the criteria in Regulation 139(1) or it has been designated by the Secretary of State under Regulation 139(7).

The criteria in Regulation 139(1) are:

- a) the course is one listed in Schedule 2 to the Regulations;
- b) the course must last for at least one academic year;
- c) it must be ordinarily possible to complete the part-time course in not more than
  - (i) twice the period ordinarily required to complete the full-time equivalent course where the course began before 1 September 2012; or
  - (ii) four times the period ordinarily required to complete the full-time equivalent where the course begins on or after 1 September 2012
- d) the course is either
  - (i) wholly provided by an authority-funded educational institution;
  - (ii) provided by a publicly funded institution in the UK on behalf of an authority-funded educational institution; or
  - (iii) provided by an authority-funded educational institution in conjunction with an institution outside the UK;
- e) the course is not designated under Regulation 5 of the Regulations; and
- f) the course is not designated under Regulation 122 of the Regulations.

1-year 60-credit courses can be supported provided that they are not Access/Foundation year courses, unless the one year foundation course is an integral part of a longer course on which the student is enrolled. More guidance on integral foundation years can be found in the Assessing Eligibility Guidance. In order for foundation years to be integral, the year should not lead to an award in its own right and students should enrol at the outset for the duration of the whole course.

In addition, Regulation 139(7) allows the Secretary of State to specifically designate courses which do not meet the criteria above. See paragraphs for specific designation for further information.

A part-time course provided by an institution is to be considered a designated part-time course if it provides the teaching and supervision which comprise the course (Regulation 139(6) (a)). Where a course is franchised, SFE assessors should identify the institution or institutions providing the course. If the course is wholly provided by one or more authority / publicly funded institutions and meets the other requirements of Regulation 139(1), the course will be automatically designated. If the course is wholly provided by a private institution or provided jointly by a authority / publicly funded and private institution, specific designation for the course will have to be sought from the Department for Education (DfE).

Part-time undergraduate and postgraduate ITT courses that are at least 1 year in length attract the part-time support package if the intensity of study meets the minimum requirements. Where the course began before 1 September 2012, students are required to study at an intensity level of at least 50% of an equivalent full-time course over the duration of the course. Where the course begins on or after 1 September 2012, students are required to study at least 25% of an equivalent full-time course in each academic year of the course and for the duration of the course. Part-time PGCE and equivalent ITT courses do not meet the criteria for the full-time tuition fee loan and maintenance support package: they are not full-time courses and they do not meet the minimum 300 hours per academic year criterion for full-time non-first degree courses. All flexible PGCE courses attract the part-time package of support.

## LENGTH OF THE COURSE

Part-time courses must last for at least one academic year in order to qualify.

## COURSE LOAD

In order for a course to be designated under Regulation 139(1) it must be ordinarily possible for the relevant part-time course to be completed in not more than

- a. twice the period ordinarily required to complete the full-time equivalent course where the part-time course began before 1 September 2012; or
- b. four times the period ordinarily required to complete the full-time equivalent course where the part-time course begins on or after 1 September 2012.

An eligible part-time student who undertakes a designated part-time course will cease to be eligible for support in connection with that course if it becomes impossible for him to complete the course in the period above even if he increases his intensity of study. The student's eligibility for support will terminate at the end of the academic year in which it becomes clear that he cannot complete the course in the required period.

The initial expectation must be that a student will complete the course in not more than twice the length of time it would take to complete an equivalent full-time course leading to the same qualification where the course began before 1 September 2012, or four times the length of time it would take to complete an equivalent full-time course leading to the same qualification where the course began on or after 1 September 2012. How long a student is expected to take to complete the course will need to be assessed each time that the student applies for support for an academic year of the course. For example, a student who started a part-time course in AY 2011/12 and is continuing on that course in AY 2016/17. The student has to repeat the fifth year of study in year 6 (AY 2016/17) because he has failed his exams in year 5. In order to be able to get support for year 6, it must still be possible for him (with or without an increase in intensity of study) to complete the course within not more than twice the length of time it would ordinarily take to complete an equivalent full-time course.

Provided that it remains possible for a student to complete the course within the required period, the Regulations allow for flexibility in course load in each academic year. Some institutions encourage part-time students to take a lower course load in their first year while they adjust to the requirements of taking a higher education course. A growing number of institutions allow students flexibility to decide the amount of time they can devote to a course, offering students the opportunity to take a lower number of modules in any year if necessary. However, institutions should keep in mind the requirement in respect of the period that the student will himself take to complete the course.

Where students who start a course before 1 September 2012 and are continuing on that course in AY 2016/17 take less than 50% FTE course load in any one academic year, they may still be eligible for financial assistance as long as they are still on track to complete their part-time course in no longer than twice the time it would take to complete a full-time course leading to the same qualification. Where the student starts a course on or after 1 September 2012, he or she

will be eligible for support where the course load is at least 25% of an equivalent full-time course (FTE) in each year of the course and for the overall duration of the course.

Where student started a course before 1 September 2012, the institution must, at the start of each Academic Year, certify the student's application form and provide details of the fee charged. The student will then send the form to SFE to determine whether the student is eligible for support. The student will have to meet the general personal eligibility criteria and the financial eligibility criteria in order to be entitled to financial support.

For students who start their course on or after 1 September 2012 HEP's are no longer required to certify their application form. Confirmation of student's attendance is confirmed electronically by the HEP. To be eligible for support student will have to meet the general personal eligibility criteria but are not required to provide financial information as the Fee Support is no longer income assessed.

## **PERSONAL ELIGIBILITY**

The personal eligibility criteria for receiving support for a part-time designated course are set out in Regulation 137. Regulation 140 sets out the additional criteria that a student must satisfy in order to qualify for fee grant and course grant or part-time tuition fee loan. Some of the criteria are the same as those for full-time students:

- Default/non-ratification of previous loans;
- Fittedness to receive support; and
- Residence.

Guidance on the elements in common with the requirements for full-time students can be found in the Assessing Eligibility guidance.

Students who start a part-time course on 1 September 2009 or later and who already hold a qualification will not be eligible for student support for the new course if it is equivalent or lower in level than the qualification the student already holds. Students who started their current course before 1 September 2009 will not be eligible for support if they already hold an Honours degree from a UK institution.

The restrictions set out in the paragraph above do not apply to:

- new students who hold lower level qualifications (e.g. HNC, HND, DipHE, Foundation Degrees and Ordinary Degrees) and wish to top up their qualification to a higher level (e.g. to an Honours Degree); and
- students who do not hold qualified teacher status (QTS) and who are starting a part-time course for the initial training of teachers in 2010/11 or later which is 4 years or less in length. For ITT courses starting on or after 1 April 2012, teachers in Further Education colleges who have achieved QTLS (Qualified Teacher Learning and Skills) status but who have not been issued with a QTS certificate may be eligible for fee support for a further ITT course
- students who hold an Honours degree or higher level qualification in any subject and who start a part-time Honours degree or integrated Masters degree from AY 2015/16 on qualifying courses in engineering, technology or computer science (or a joint Honours degree in those subjects). Intensity of study must be at least 25% of a full-time equivalent course, and the total duration of study on exception courses must not exceed sixteen years in aggregate.

Postgraduate qualifications are taken into account when assessing eligibility for funding for any subsequent courses the student plans to undertake. Therefore, students who have already attained a postgraduate qualification and

subsequently undertake an undergraduate course are not entitled to any further funding unless they fall into one of the specified exception categories.

Students continuing in AY 2016/17 on a part-time course or full-time distance learning course that they started before 1 September 2012 will be eligible to apply for the part-time course and fee grant package.

In addition to the above arrangements students will not be eligible for support if they;

- are eligible to apply for certain healthcare bursaries in respect of their course as set out in Regulation 120(3)(a) for full-time designated distance learning courses and Regulation 137(3)(a) for part-time courses:
  - a healthcare bursary, whether or not the amount of such bursary is calculated by reference to the student's income;
  - any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007.
- have already received a maximum of eight academic years grant or loan support for previous full-time distance learning courses, where the current full-time distance learning course started before 1 September 2012. (Regulation 124(4) refers.) This arrangement also applies to students who started a full-time distance learning 'end-on' course in AY 2012/13, and students who transfer to a full-time distance learning course on or after 1 September 2012 from a full-time distance learning course that started before 1 September 2012 (Regulation 122(2) refers).
- have already received a maximum of eight academic years grant or loan support for previous part-time courses, where the current part-time course started before 1 September 2012 (Regulation 141(4) refers). This arrangement also applies to students who started a part-time 'end-on' course in AY 2012/13, and students who transfer to a part-time course on or after 1 September 2012 from a part-time course that started before 1 September 2012 (Regulation 136(1) refers).
- were eligible to apply for a maximum of sixteen academic years grant or loan support for previous part-time courses, where the student starts the course on or after 1 September 2012 (Regulation 144(5) refers) but excluding 'end-on' and transferring courses covered by Regulation 136(1). Years of previous study that will be taken into account are years of previous part-time study where the student submitted an application for part-time student support (loan or grant) and was found to be eligible for support, regardless of whether the student was financially entitled to part-time support or not. Years of previous part-time study for which the student did not apply for any student finance from SLC, or applied for student finance but was found not to be eligible for it, will not be counted. Years of previous full-time study will also not be counted (unless ELQ applies). Note that if a student holds a degree and starts a qualifying degree level course in engineering, technology or computer science in AY 2015/16 or later, the student is entitled to a maximum of a further sixteen academic years of part-time tuition fee loan support for exception courses in aggregate. This is in addition to the years of support received for previous part-time study.

The previous study rules in Regulation 141(4) and 144(5) do not apply in relation to part-time undergraduate DSA. Regulation 147 sets out the criteria that apply in addition to those in Regulation 137.

Students who are taking more than one part-time course at the same time can only be eligible for support for one of the courses, regardless of when they began either course. If a student completes or abandons the course for which

they have been assessed for support, and they have not already had the maximum number of years of support, they may be eligible for financial assistance in respect of the second course (as long as it is a designated part-time course) up to a maximum of eight or sixteen years support in aggregate, as outlined in Regulations 141(4) and 144(5).

Students who are taking a full-time course and a part-time course or a postgraduate course and a part-time course at the same time can only be eligible for support under the Student Support Regulations for one of those courses. The student will have to choose which one to apply to for support. This will usually be the course which attracts most support (i.e. the full-time course).

Prisoners serving custodial sentences who started a part-time course before 1 September 2012 and who are continuing on that course on or after 1 September 2012 are not eligible for part-time support. However, this rule does not apply in respect of an academic year in which the student enters prison to serve such a sentence or is released from prison having served such a sentence. A prisoner who starts a course on or after 1 September 2012 and who is an eligible prisoner as defined in regulation 2(1) will be eligible for part-time tuition fee loan only. DSAs will not be available to eligible prisoners who start a course on or after 1 September 2012 (as these costs will be met by the prison authorities).

The support that a student qualifies for is also affected by the category in Schedule 1 to the Regulations into which they fall and the location of study:

- All eligible part-time students who are not prevented from receiving tuition fee support by the previous study rules and who are undertaking their course in England are eligible for the fee grant in accordance with regulation 141 (where the student started the course before 1 September 2012).
- The Secretary of State has the discretion to pay fee grant to an eligible part-time student who started a course before 1 September 2012 and who is attending a course in Wales, Scotland or Northern Ireland in accordance with Regulations 141 and 146.
- All eligible part-time students who are not prevented from receiving tuition fee support by the previous study rules and who are undertaking their course in the UK are eligible for the part-time tuition fee loan in accordance with regulation 144 (where the course started on or after 1 September 2012).
- Eligible part-time students who started a course before 1 September 2012 (other than those who fall within paragraph 9 of Part 2 of Schedule 1 to the Regulations and within no other paragraph of that Schedule), who are not prevented from receiving the course grant by the previous study rules and who are undertaking their course in the United Kingdom are eligible for the course grant in accordance with Regulation 141.
- Students undertaking courses on a distance learning basis are deemed to be taking the course where they are actually studying i.e. at their home address. A student studying at home in England and taking a distance learning course provided by a Scottish, Welsh, or Northern Irish institution could qualify for both the full course grant and the fee grant, or the full tuition fee loan as appropriate. Where a student is taking a course which involves both distance learning and attendance at an institution, it is where the student studies for the majority of the year that determines his place of study. For example, if the student spends 20 weeks of a 30 week course distance learning at his home address in England and physically attends an institution in Scotland for 10 weeks, he is treated as studying in England. *In the case of EU Nationals, to receive course grant the student must be resident in England on the first day of the first year of the course and have been resident in the United Kingdom throughout the three year period immediately preceding the first day of the first academic year of the course'*
- From AY 2013/14 students who are no longer undertaking a distance learning course in the UK are ineligible for further student support. However, UK domiciled students who move territory within the UK

(e.g. England to Wales) should continue to be supported for the remainder of that course by the territory that they were originally undertaking the course in.

- Students who are domiciled in Scotland, Wales, or Northern Ireland fall under the student support arrangements operated by the Scottish Executive, the Welsh Government, or the Department for Economy Northern Ireland (DfENI) respectively. Students who are not ordinarily resident in the UK prior to the start of their course but who are studying in a devolved administration should apply to the Devolved Administration in whose area they are studying e.g. a French national who lives in Paris and goes directly to study in Edinburgh applies under the arrangements operated by the Scottish Government.
- Where the student starts the course before 1 September 2012, with regard to the grant for fees, although a student does not need to physically attend their institution, they do have to be undertaking the course in England. With regard to the course grant, although a student does not need to physically attend their institution, they do have to be undertaking the course in the UK.
- Where the course starts on or after 1 September 2012, a student qualifies for tuition fee loan if they are attending the course in the United Kingdom, or (where the course is a distance learning course) they are undertaking the course in England.
- In DfE's view, a student is undertaking the course in England if he is attending an institution in England or he is studying via distance learning from his home in England for the majority of the course. For example, this would disqualify a student from receiving tuition charge support if he were studying via distance learning from his home which is outside England, or if he spent less than the majority of the course in England. Similarly, a student is undertaking his course in the United Kingdom, in DfE's view, if he is attending an institution in the UK or is studying via distance learning from his home in the United Kingdom for the majority of the course. This means, for example, that a student taking a course provided by an institution in England via distance learning from home in France would not qualify for support in respect of either the tuition fee or course costs.

The general rule is that a student must fall within one of the categories in Schedule 1 to the Regulations at the start of the first academic year of the course in order to potentially qualify for support in connection with a designated part-time course. However, there are certain circumstances in which a student may become eligible for support during the course of an academic year. Regulation 138 sets out the circumstances in which a student may become eligible for support during the course of an academic year and the types of support that he may potentially be eligible for in that academic year. For example, a student who starts a course on 1 September 2014 and is recognised as a refugee during the first academic year of the course could potentially qualify for the part-time tuition fee loan for that academic year (and the remainder of the course).

## **FINANCIAL ASSESSMENT OF PART-TIME GRANTS (COURSES STARTING BEFORE 1<sup>ST</sup> SEPTEMBER 2012)**

The amount of fee grant and course grant payable to an eligible part-time student is determined by a means test. There is a single means test based on the student's gross income and where appropriate their partner's gross income from all sources in the previous financial year, and the number of dependent children in the student's family. Gross income excludes any child tax credits or working tax credits, and any Higher Education Bursary received by the student or, where relevant, their partner. As of 22nd August 2009 a non-taxable bursary is payable as a £2,000 lump sum to care leavers who started higher education on or after 1 September 2008. This bursary is to be disregarded as income (in the same way as tax credits are).

For students starting the 2016/17 academic year before 1 July 2017, the previous financial year covers the period 6 April 2015 – 5 April 2016. For students starting the academic year on or after 1 July 2016, the previous financial year covers the period 6 April 2016 – 5 April 2017.

The Regulations recognise the status of civil partner created through the Civil Partnership Act 2004 which enables same sex couples to gain legal recognition for their relationship by forming a civil partnership. Consequently, in 2005/06 changes were introduced to recognise (in certain circumstances) a student's civil partner or cohabiting same sex partner as his partner for student support purposes. Who may be treated as the student's partner in any particular case will depend on the student's age and also the date on which the student started the specified designated part-time course. The specified designated part-time course is the course the student is currently on, or, where the student's status as an eligible part-time student has been transferred to the current course from another part-time course, the course from which the student's status was transferred (regulation 143(4) (h) refers).

The table below illustrates when the income of a spouse, civil partner, or same or opposite sex co-habiting partner should be taken into account:

		Income taken into account			
		Spouse	Civil partner	Co-habiting partner of the opposite sex	Co-habiting partner of the same sex
Specified designated course started on 1 September 2005 or later	Aged under 25	Yes	Yes	Yes	Yes
	Aged 25 or over	Yes	Yes	Yes	Yes
Specified designated course started before 1 September 2005	Aged under 25	Yes	Yes	No	No
	Aged 25 or over	Yes	Yes	Yes	No

A student can, under certain circumstances, elect to have their application assessed on the basis of their income in the current financial year. To qualify for a current year assessment, the student's income (taking into account the income of his spouse, civil partner, or co-habiting partner, where appropriate) must be at least £1,000 less in the current financial year than the previous financial year.

Students who are in receipt of any of the following income-assessed benefits:

- Universal Credit
- Income Support
- Housing Benefit

- Local Housing Allowance
- Income based Jobseeker's Allowance (JSA)
- Income-related Employment and Support Allowance (ESA)

at the time when they apply for the grants, or whose spouse's, civil partner's, or co-habiting partner's income is taken into account and is in receipt of one of these benefits, will not be means tested and will therefore qualify for the maximum fee grant at the appropriate intensity level (regulation 142(1) refers) and maximum course grant (regulation 141(1) (b) refers).

There are two types of JSA: contribution-based and income-based. Contribution-based JSA is not means tested and so does not appear on the above list. As most students in receipt of income-based JSA may also be in receipt of Housing Benefit or Local Housing Allowance, administrators can look to those benefits first as evidence of automatic qualification for support. For those only in receipt of JSA, the claimant's benefit notification should specify which type of JSA they are receiving. Those receiving contribution-based JSA should have the lettering 'JSA C' on their notification. The notification for those receiving income-based JSA should have the lettering 'JSA IB'. It is possible for a claimant to receive both contribution-based and income-based JSA. A student can receive student support providing they are receiving income-based JSA; it does not matter if they are receiving contribution-based JSA in addition to this.

Those students who are not in receipt of one of the benefits listed in this paragraph will need to have their income assessed. **Receipt of the Working Tax Credit or the Child Tax Credit does not make applicants for support for part-time study automatically financially eligible but they do not count as income for the purposes of assessment.**

The following disregards will apply when calculating an eligible part-time student's relevant income:

- £2,000 allowance for the student's partner (partner is defined in Regulation 143(1));
- £2,000 for an only or eldest dependent child; and
- £1,000 each for any subsequent dependent children.

A child for these purposes includes any child for whom the student has parental responsibility and the child of a partner where the partner's income is taken into account. (Regulation 143(4) (a) refers). "Partner" is defined in Regulation 143(1). The disregards in paragraph 44 are applied where the child is dependent (i.e. wholly or mainly financially dependent) on the student, or the student's partner.

The income threshold is set at £16,845; a student with an assessed income of less than £16,845 (single students with no dependent children) will be entitled to the maximum amount of assistance available under Regulations 141(1) (b) and 142(1).

As a consequence of applying the means test the student may receive:

- No support – zero award.
- Full support - £280 course grant and £855/£1,025/£1,285 fee grant (depending on the intensity of study) or a grant to the fee level charged by the HEP, whichever is the lower.
- Partial support – support is reduced according to a taper system (see paragraph 49 below)

A taper system will operate as follows (note also the disregards from income in the paragraph above that will apply where the student has a partner and/or dependent children):

- A student with relevant income of less than £16,845 would receive both the full fee and course grant available under Regulation 141(1) and 142(2);
- A student with relevant income level of £16,845 would receive a reduction of £50 on the maximum amount of fee grant available under Regulation 142(2). Note that the minimum reduction from fee grant is £50. The student would be eligible to receive the full course grant;
- Thereafter, as the student's income increases over £16,845 the total amount of the award will reduce, until eventually it will be exhausted. The point at which payment of fee support ceases will be the same for each of the three fee grant maxima. Therefore, there will be three different fee grant taper rates in operation: £1 in every £11.36 for students studying at less than 60% of the Full-Time Equivalent (FTE); £1 in every £9.27 for students studying from 60% to less than 75% FTE; and, £1 in every £7.24 for students studying at 75% FTE or more.
- A student with relevant income of more than £16,845 but less than £25,420 will receive a partial fee grant and, if eligible, a full course grant. See Regulation 142(3) and 142(4) for the method of determining the amount of fee grant.
- A student with relevant income of exactly £25,420 will receive a fee grant of £50 and, if the student is eligible, a full course grant.
- A student with a relevant income of over £25,420 but less than £26,030 will receive no fee grant, but, if eligible, the full course grant of £280 .
- Thereafter, as the student's income increases over £26,030 the amount of award will reduce until eventually it will be exhausted. The taper is set at £1 in every £8.84. This means that a student with a relevant income level of £26,030 or more but less than £28,066 will be entitled to a partial course grant.
- A student with an income level of exactly £28,065 will be entitled to a course grant of £50. No fee grant will be payable.
- A student with a relevant income level of £28,066 or more will not receive any support.

Some examples of the operation of the taper are shown below:

Single student, no dependants

Relevant Income	Effect of taper (student could receive).
Less than £16,845	Full fee grant (up to £855 /£1,025 /£1,285 or the level of fees charged by the HEP, whichever is the lower).  Full course grant of £280.
£16,845	A reduction of £50 from the fee grant will apply. Full course grant of £280.
£16,846 but less than £25,420	A reduction of £50 from the fee grant will apply. Thereafter, a reduction of £1 from the fee grant would apply for each £11.36 /£9.27 /£7.24 of relevant income

	over £16,845 from the maximum amount of fee grant available. Full course grant of £280.
£25,420	£50 fee grant. Full course grant of £280
£25,420 but less than £26,030	No fee grant. Full course grant of £280.
£26,030 or more but less than £28,065	No fee grant. Course grant of £280 less £1 for every £8.84 of income over £26,030.
£28,065	No fee grant. £50 course grant.
£28,066 or more	Nil.

Single EU student, no dependants

Relevant Income	Effect of taper (student could receive).
Less than £16,845	Full fee grant (up to £855/£1,025/£1,285 or the level of fees charged by the HEP, whichever is the lower).
£16,845	A reduction of £50 from the fee grant will apply.
£16,846 but less than £25,420	A reduction of £50 from the fee grant plus a reduction of £1 from the fee grant for each £11.36/£9.27/£7.24 of relevant income over £16,845.will apply
£25,420	£50 fee grant.
£25,421 or more	Nil.

Married student, 2 dependent children

Relevant Income	Effect of taper (student could receive).
Less than £21,845	Full fee grant (up to £855/£1,025/£1,285 or the level of fees charged by the HEP, whichever is the lower).  Full course grant of £280.
£21,845	A reduction of £50 from the fee grant will apply. Full course grant of £280.

£21,846 but less than £30,420	A reduction of £50 from the fee grant will apply. Thereafter, a reduction of £1 from the fee grant would apply for each £11.36/£9.27/£7.24 of relevant income over £21,090 from the maximum amount of fee grant available.  Full course grant of £280.
£30,420	£50 fee grant. Full course grant of £280.
Over £30,420 but less than £31,030	No fee grant. Full course grant of £280
£31,030 or more but less than £33,065	No fee grant. Course grant of £280 less £1 for every £8.84 of income over £30,420.
£33,065	No fee grant. £50 course grant.
£33,066 or more	Nil.

The term "Relevant income" is defined in Regulation 143(2).

#### **STUDENTS WHO TRANSFER FROM ONE DESIGNATED PART-TIME COURSE TO ANOTHER**

Where a student who qualifies for fee grant or fee loan transfers, after being assessed, from one designated part-time course to another within an academic year, the student is entitled to receive fee support for the second course provided this does not exceed the maximum amount of fee support to which he is entitled for that academic year based on the course with the highest intensity of study. See Regulation 151(6) for students who started their course before 1 September 2012 or Regulation 145 (3) (4) for students who started their course on or after 1 September 2012.

##### Example

A student starts course A in AY 2011/12. In AY 2016/17 he is entitled to full means tested support, is studying at an intensity of 50% FTE and is charged a fee of £500. He transfers, in the same academic year, to course B, and is now studying at an intensity of 75% FTE for which a fee of £800 is charged. The student's relevant income means that the amount of fee grant that he can receive is £800 overall.

£800 is the maximum amount of assistance payable to the student in connection with course B which is the course with the highest intensity of study. The student has already received £500 in AY 2016/17 for course A, so he can receive a maximum of £300 fee support in connection with course B. He must pay the remaining £500 of fees himself.

#### **STUDENTS WHOSE STATUS AS AN ELIGIBLE STUDENT IS CONVERTED TO THAT OF AN ELIGIBLE PART-TIME STUDENT (REGULATION 152)**

Students can have their status as an eligible student converted to that of an eligible part-time student when they transfer from a designated full-time course to a designated part-time course (and vice versa). Where students transfer from a full-time course to the equivalent part-time course between academic years, the process is simple. Where the transfer took place before 1 September 2012, for a student who started to take a part-time course having previously

studied on a full-time basis and who continued their studies; the student would have applied for a part-time support via part-time fee and course grants, rather than loans and grants as a full-time student (provided that the student did not hold a previous qualification which is equivalent or higher in level than the course they wish to study). To qualify for the fee grant the student must not have held an equivalent level qualification where the current part-time course began on or after 1 September 2009. Where the transfer takes place on or after 1 September 2012, the student applies for the tuition fee loan as a part-time student. The student must meet the eligibility criteria for part-time support in order to qualify for a particular element of that package. For example, to qualify for the fee grant the student must not hold an equivalent level qualification where the current course begins on or after 1 September 2009.

As a student will cease to be an eligible student when he becomes an eligible part-time student, no further payments of full-time support should be made to the student. So for example, if the payment dates for full-time grants and loans are 1 September, 1 January and 1 April and a student ceases to undertake a designated course and transfers to take up a part-time course on 1 December, he will not get paid any full-time grants and loans on 1 January and 1 April. Providing SFE enter relevant dates correctly into the LA portal and perform a reassessment, this will be handled automatically by Change of Circumstances functionality.

For students who were eligible to apply for a loan for living costs while they were a full-time student but did not do so, or did apply but for less than the maximum available, the student can apply for a loan for living costs after he transfers to the part-time course **but only in respect of the academic year in which the transfer takes place**. The amount of support the student can apply for in this case is set out in Regulation 152(3) (d) and (4).

For information on how Disabled Students' Allowances are calculated in the event of a student transferring from a designated full-time course to a designated part-time course during an academic year, see Disabled Students' Allowances Guidance Chapter (page 21) for 2016/17. The chapter can be found from <http://www.practitioners.slc.co.uk/media/6973/sfe-1617-dsa-continuing-dsa-student-guidance-final-15th-feb.pdf>.

Where students transfer from undertaking a full-time course to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is to be treated as satisfying Regulation 139(1)(b) and (c) provided the period of part-time study to be undertaken by the student is of at least one academic year's duration and, in the case of a course that began before 1 September 2012, does not exceed twice the period ordinarily required to complete the remainder of the full-time course from which the student transfers. In the case of a course that began on or after 1 September 2012, it must be of at least one academic year's duration and must not exceed four times the period ordinarily required to complete the remainder of the full-time course from which the student transfers. For example:

*Student A* starts a designated course leading to a BA in History in September 2011, which would normally be completed in three years if studied full-time. He studies full-time in the first year, and transfers to the equivalent part-time course in the second year (i.e. a part-time course leading to a BA in History provided by the same institution). He plans to complete the course at the end of four years' part-time study. The course will be treated as satisfying Regulation 139(1)(b) and (c) because the period of part-time study to be undertaken will last more than one academic year and will not exceed twice the period ordinarily required to complete the remainder of the designated course (i.e.  $2 \times 2 = 4$  years).

*Student B* starts the same designated course in September 2012. He completes two years as a full-time student and then transfers to the equivalent part-time course. He plans to complete the part-time course after 5 years of part-time study. The course cannot be treated as satisfying Regulation 139(1)(b) and (c) because the period of part-time study to be undertaken will exceed four times the period required to complete the full-time course (i.e.  $1 \text{ year} \times 4 = 4$  years and the student intends to complete a period of part-time study of 5 years). Student B cannot qualify for support in connection with that course.

## **STUDENTS WHOSE STATUS AS AN ELIGIBLE PART-TIME STUDENT IS CONVERTED TO THAT OF AN ELIGIBLE STUDENT (REGULATION 152)**

Students who move from part-time courses to full-time courses between academic years simply apply for a different type of support that year. Where students transfer from a part-time course to a full-time course during an academic year they become entitled to a portion of the support available for full-time students. Any amount of support paid to the student under Part 11 of the Regulations for the relevant academic year is ignored when determining the amount of support to which he is entitled in respect of that academic year. Where students move to a full-time course during the first quarter of the academic year there is no reduction as a result of having spent time on a part-time course from any grants for living costs or loans for living costs for the full-time course for which they may qualify. Where they move to a full-time course during the second quarter of the year they are eligible for two thirds of the grants for living costs and loans for living costs for which they are assessed. When they move to a full-time course during the third quarter of the academic year they can be eligible for one third of the grants for living costs and loans for living costs for which they are assessed.

## **STUDENTS WHO HAVE BEEN IN RECEIPT OF DISCRETIONARY AWARDS**

Students who have been in receipt of discretionary funding, paid under Section 2 of the Education Act 1962 can continue to receive awards (for that course) and may be eligible for the part-time grants. Only students who began their courses prior to 1999 can be eligible for funding under this provision.

## **STUDENTS WHO HAVE BEEN IN RECEIPT OF POST-COMPULSORY EDUCATION AWARDS**

Students who have been receiving discretionary funds under the provisions in the Local Education Authority (Post-Compulsory Education Awards) Regulations 1999, as amended (the "PCEA Regulations"), who are now eligible for the part-time student support package under the Student Support Regulations can no longer be eligible to receive discretionary funding from their LA under the PCEA Regulations. The PCEA Regulations provide that students who are eligible for funding by virtue of regulations made under section 22 of the Teaching and Higher Education Act 1998 cannot be eligible for post-compulsory education awards. As the fee grant and course grant are paid pursuant to Regulations made under section 22 of the Teaching and Higher Education Act, part-time students who are eligible for support under the Student Support Regulations are excluded from eligibility for discretionary funding under the PCEA Regulations.

NOTE: Students who are not eligible for support for part-time or full-time study under the Education (Student Support) Regulations 2011 as amended may still be eligible for discretionary funding under the PCEA Regulations.

## **STUDENTS WHO REPEAT YEARS OF THEIR COURSE**

Part-time students are eligible for a maximum of eight years of support (where the course started before 1 September 2012) or sixteen years of support (where the course starts on or after 1 September 2012). If they choose to apply for part-time support in a year in which they repeat part of their course, the amount of time in which they are expected to complete the course will be assessed. If, taking into account the period of repeat study, they are still on track to complete the course in not more than twice (where the course started before 1 September 2012) or four times (where the course starts on or after 1 September 2012) the period ordinarily required to complete a full-time equivalent course (see Regulation 139(1)), they can be considered for support for the academic year in which they repeat. The amount of time in which the student is expected to complete the course is assessed every time he makes an application for support for a year of his course.

### Examples

- A student who is studying a course that started before 1 September 2012 and that would take 3 years to complete if studied full-time must still be able to complete his course in no longer than twice this length of time when studied on a part-time basis i.e. 6 years. So in this case any repeat years of study can only be funded if the course can still be completed in 6 years (Regulation 140(5) and (6) refers).
- A student who is studying a course that started on or after 1 September 2012 and that would take 4 years to complete if studied full-time must still complete his course in no longer than four times this amount of time i.e. 16 years. In this case any repeat years of study can only be funded if the course can still be completed in 16 years. If it is clear that a student who has to repeat part of his course will be unable to complete the course within four times the period ordinarily required to complete the full-time equivalent course even if he increases his intensity of study, he will cease to be eligible for support (Regulation 140(5) and (6) refers).

### **SPECIFICALLY DESIGNATING COURSES AT PRIVATE INSTITUTIONS**

Courses are automatically designated for part-time support if they meet the criteria set out in Regulation 139(1) of the Regulations. Courses provided by privately funded HEPs or which otherwise do not meet the criteria in Regulation 139(1) must be specifically designated in order for financial support to be available to students undertaking those courses.

Regulation 139(7) gives the Secretary of State the power to specifically designate courses which do not meet the criteria set out in Regulation 139(1). Institutions who wish to have their courses specifically designated must apply to:

Student Loans Company  
 Memphis Building  
 Lingfield Point  
 McMullen Road  
 Darlington  
 County Durham  
 Phone: 0300 100 0618  
 E-mail: [ssin\\_queries@slc.co.uk](mailto:ssin_queries@slc.co.uk)

A complete up to date list of specifically designated courses can be accessed on the Student Finance England website at: <http://www.practitioners.slc.co.uk/policy-information/designated-courses/full-list.aspx>

### **OVERPAYMENTS**

In the event that a part-time student who is continuing on a course which started before 1 September 2012 receives an overpayment of part-time grant, the Secretary of State may, at his discretion, recover an overpayment made against any grant for part-time, full-time, or postgraduate study payable in any academic year. Further information on overpayments can be accessed on the Student Finance England website at: <http://www.practitioners.slc.co.uk/policy-information/guidance-chapters.aspx>.

Amending Regulations (2015 No 1951) now allow for overpayments to be recovered from future instalments of either grant or loan.

Changes to recovery of overpayment of grants and loans mean that any overpayment, whether it is for grant or loan, should be recovered from the student as soon as possible and while the student continues to study. This amendment to the 2011 Regulations allows for overpayments to be recovered from future instalments of either grant or loan. While some overpayments can be subtracted from certain future payments (including if the student returns to study at a later date), recovering directly from the student as soon as possible after the overpayment arises maximises the probability of recovery and ensures value for the taxpayer.

Recovery of overpayments whilst a student continues to study may cause difficulties for some students. If a student provides reasonable evidence that recovery would result in hardship for the student, the recovery of the overpayment may be suspended until they leave or finish their course.

### **STUDENTS ON DISTANCE LEARNING COURSES (INCLUDING FULL-TIME DISTANCE LEARNING COURSES THAT STARTED BEFORE 1 SEPTEMBER 2012)**

Students undertaking designated part-time courses through distance learning are eligible for the same support package as those who are in attendance on a part-time course - provided they meet the eligibility criteria described.

Students who start a full-time distance learning course on or after 1 September 2012 should apply for tuition fee loan only at the full-time rates – see the AY 2016/17 ‘Assessing Eligibility’ guidance chapter for further information.

For a student to get a fee grant (where the course started before 1 September 2012) or a tuition fee loan (where the course starts on or after 1 September 2012), they must be undertaking the course in England (subject to Regulation 137(3)). For a student to get a course grant (where the course starts before 1 September 2012), they must be undertaking the course in the UK. Please also see the Personal Eligibility section above.

Students undertaking designated full-time courses through distance learning that started before 1 September 2012 are eligible for part-time grants at the rate payable to those studying at 75% or more of an equivalent full-time course – see Part 10 of the Education (Student Support) Regulations 2011 as amended. This includes the course grant of up to £280 for books, travel and other expenditure in connection with the distance learning course. The maximum amount of fee grant support available in 2016/17 is £1,285 - which is equal to the maximum amount paid to part-time students who are continuing in 2016/17 on a course which started before 1 September 2012 and who study at an intensity rate of 75% or more of an equivalent full-time course.

The taper system in 2016/17 for grants for full-time distance learning courses which started before 1 September 2012 will operate as follows:

- A student with relevant income of less than £16,845 would receive both the full fee and course grant available under Regulation 124(1) and Regulation 125;
- A student with relevant income level of £16,845 would receive a reduction of £50 on the maximum amount of fee grant available to him under Regulation 124(1). He would be eligible to receive the full course grant;
- A student with relevant income of more than £16,845 but less than £25,420 will receive a partial fee grant and, if eligible, a full course grant of £280. This taper is set at £1 in every £7.24.
- A student with relevant income of exactly £25,420 will receive a fee grant of £50 and, if the student is eligible, a full course grant of £280.
- A student with a relevant income of over £25,420 but less than £26,030 will receive no fee grant, but, if eligible, the full course grant of £280.

- Thereafter, as the student's income increases over £26,030 the amount of award will reduce until eventually it will be exhausted. The taper is set at £1 in every £8.84. This means that a student with a relevant income level of £26,030 or more but less than £28,066 will be entitled to a partial course grant.
- A student with an income level of exactly £28,065 will be entitled to a course grant of £50. No fee grant will be payable.
- A student with a relevant income level of more than £28,065 will not receive any support.

*The income figures shown above apply to a single student with no dependants or a partner. Students with dependants and/or a partner will have disregards applied to those part-time students who are eligible for support. The relevant disregards are shown in the disregards section above.*

Full-time distance learning students who start a course before 1 September 2012 are not eligible for support if they have undertaken one or more distance learning courses for eight academic years in aggregate and received for each of those years a loan or grant.

## **OPEN UNIVERSITY**

Where a student starts a part-time course before 1 September 2012, the Open University administers these applications for support from its own part-time students. Where a student starts a part-time course on or after 1 September 2012, SFE administers the applications of Open University students. If SFE receives applications from part-time Open University students who started their course before 1 September 2012, it should refer those students to the Open University.

Please see Annex 1 for separate guidance for Open University 'Seasonal Academic Years'.

**The contact number is 01908 653411.**

**E-mail address: [studentfees@open.ac.uk](mailto:studentfees@open.ac.uk)**

**ANNEX 1****ADDITIONAL GUIDANCE FOR OPEN UNIVERSITY (OU) COURSES****How to comply with Student Support Regulations and receive required tuition fee funding**

There has been no change in either the policy intent or regulations, however clarification is required on how the OU Seasonal Academic Years ('SAY' and 'Rolling Year) comply with the Student Support Regulations.

In order to receive required Tuition Fee Support the OU is required to align their 'seasonal academic years' as much as possible with the academic year in the Student Support Regulations. The OU should consider splitting their modules so that they fit in with the academic year as defined in the Student Support Regulations. It is understood that there can be challenges for OU to comply with this requirement.

The Regulations make it clear that for student support purposes, an academic year not only requires the student to register/enroll on their course **but also to start attending or undertaking** that course. Therefore the academic year start date should be treated as the date immediately preceding when the student starts attending or undertaking their course. Simply registering and enrolling a student on a course does not mean that the academic year start date is the date when the student registered on their course.

The definition of an academic year in **Regulation 2(1)** of the 2011 Student Support Regulations refers to when the academic year of the course in question begins'.

**Regulation 144(3)** in relation to fee loans for part-time course states that a student qualifies for a fee loan if the student is attending the course in the United Kingdom or where the course is a part-time distance learning course, the student is undertaking the course in England on the first day of the first academic year.

**Regulation 148(2)** of the 2011 Student Support Regulations stipulates that an application for (part-time) support must be accompanied by a declaration from the institution under **Regulation 149**.

**Regulation 148(5)** stipulates that part-time students making an initial application for fee loan must apply for support by the end of the ninth month of the academic year.

**Regulation 148(6)(d)** stipulates that where a student has made an initial application (part-time) for fee support and applies for additional fee loan the application must reach the institution not later than one month before the end of the academic year. **Regulation 148(6)(c)** provides a discretion to extending the time limit.

**Regulation 149(5)** stipulates that the institution must provide a statement that provides the course information and confirms that the applicant has been undertaking the course for at least two weeks of the designated part-time course in respect of which the applicant is applying for support.

**Regulations 149(6)** defines 'course information' (part-time).

**Regulation 155(3)** stipulates that the Secretary of State must not pay the first instalment of fee loan before the Secretary of State (in practice the SLC) has received a request for payment and a declaration under regulation **149 (part-time)**.

For example, a returning January start student who was registered for the academic year in January 2016 but is not picking up any modules to study until October 2016 would not fall under January AY start. For a student **who starts undertaking their studies in October 2016, the academic year is the 12 month period starting on 1 September 2016 and finishing on 31 August 2017 (i.e. 2016/17)**. This does create an anomaly in that the academic year start date for

the second year of the course as it differs from that for the first year. However the shift in Academic Year from January to September ensures that the student is entitled to fee loan support for the whole of that Academic Year.

### Academic Year as defined in Student Support Regulations and relationship to OU study year

Start date of qualification (start of first module taken)	Year	Academic Year in Student Support Regulations	OU Study Year
1 August to 31 December	1	1 September to 31 August	October to September
1 January to 31 March	2	1 January to 31 December	February to January
1 April to 30 June	3	1 April to 31 March	April to March
1 July to 31 July	4	1 July to 30 June	N/A

### Fee charge guidance for flexible Open University study

Maximum fee caps and fee loan caps apply in respect of an academic year, which is defined in Regulation 2(1) of the Education (Student Support) Regulations 2011 as a 12 month period beginning on one of 4 specified dates: 1 January, 1 April, 1 July or 1 September.

There is no difficulty in principle with HEPs operating part-time flexible modules within existing legislation. Institutions can charge up to the maximum fee caps for modules or combinations of modules starting in February, April and October (starting points for OU courses) if those modules or combinations of modules all start within an academic year as defined in student support regulations and do not exceed £6,750 for that academic year.

For example, an eligible student starts a 30 point, £1,250 module in October 2016 and completes it in December 2016. He then starts a 60 point, £2,500 module in February 2017. As both modules start within the 2016/17 academic year, i.e. the 12 month period starting on 1 September 2016, the student would be entitled to apply for £3,750 in loan to meet the full cost of his modules.

The same principle applies if the modules are larger in credit value or more expensive in price. For example, an eligible student starts a 30 point, £1,250 module in October 2016 and completes it in December 2016. She then starts a 90 point £3,750 module starting in February 2017. OU would be able to charge £5,000 for the two modules (£1,250 + £3,750) and the student would be entitled to apply for £5,000 in loan to meet the full cost of her modules in 2016/17.

While in the majority of scenarios, modules will fall within an academic year as defined in regulations, there may be circumstances where a module runs beyond the end of the academic year. This would not stop OU charging, and the student borrowing, the full amount for the module as long as the full cost of that module, when taken together with any other modules that the student started that academic year, fell within the £6,750 fee cap. For example, if the student in the paragraph above began her £3,750 module in February 2017, and this module did not finish until October 2017, then strictly speaking her course of study would have run into the next academic year (having started her first module in October 2016, the student is on a Sept 2016 –August 2017 regulatory academic year). SLC would not

consider that this is prohibited in the Regulations; however there may be operational implications for when the student can begin her next module (see below).

The key principle is that the OU cannot charge, and a student cannot borrow, more than £6,750 in respect of an academic year as defined in regulations. For a student starting a 90 point, £3,750 module in February 2017, the 2016/17 academic year would start on 1 January 2017. An eligible student would be able to borrow the full £3,750 for the module. If the student started another 90 point £3,750 module in October 2017 then, the OU would only be able to charge an extra £3,000 in respect of the second module starting in the 2016/17 academic year and the student would only be entitled to apply for a further £3,000 in fee loan for 2016/17.

Similarly if a student starts a 120 point £5,000 module in February 2017, the academic year as defined in regulations would again start in 1 January 2017. This means that charging the student £5,000 for the first module starting in February 2017, the OU could only charge a further £1,750 for a second module starting in October 2017 (and the student would only be able to borrow an extra £1,750 in loan) for the 2016/17 academic year.

In respect of both the 90 and 120 point scenarios above, OU may wish to consider splitting the second 90/120 point modules so that they fall within two separate academic years (i.e. January 2016- December 2016 (2015/16)) and January 2017 - December 2017 (2016/17)). This should enable OU to align their fees with student support legislation and allow students to meet the full costs of fees through their loans, in line with Government policy.

DfE does not take a view on the maximum intensity of study (other than it needs to meet the 25% minimum FTE), or the maximum number of credits, a student can reasonably study within an academic year. The only limit is that the fee charged must not exceed £6,750 and academic year and the academic year start date should be treated as either (i) the date immediately preceding when the student starts attending or undertaking the academic year of their course or (ii) for students starting an academic year of their course in August, the following 1 September. Whilst DfE is keen to encourage HEPs to offer flexible study patterns, it cannot endorse fees which would exceed current legislative fee and loan caps.