



Llywodraeth Cymru
Welsh Government

To:

Local Authorities in Wales
(For the attention of Student Finance Officers)
Higher Education Institutions in Wales providing designated
Higher Education courses
Further Education Institutions in Wales providing designated
Higher Education courses
The Student Loans Company
UCAS
The Open University in Wales
Student Finance Wales Stakeholder Group
NUS Wales
Higher Education Funding Council for Wales

June 2012

Dear Colleague

HIGHER EDUCATION STUDENT SUPPORT IN 2012/13:

THE ASSEMBLY LEARNING GRANTS AND LOANS (HIGHER EDUCATION) (WALES) (No. 2) REGULATIONS 2011

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 (WSI 2011 No. 886 (W.130)) as amended by the Education (Student Fees, Awards and Support) (Wales) Regulations 2011 (WSI 2011 No.1978 (W.218)); The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2012 (WSI 2012 No. 14 (W.5)) and The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) (No.2) Regulations 2012 (WSI 2012 No.1156 (W.139)), (together referred to as “the Regulations”) are now in force.

The Regulations make provision on the support available for students who are ordinarily resident in Wales and taking designated higher education courses (or are non-UK EU nationals taking designated HE courses in Wales) in the academic year beginning on or after 1 September 2012.

This document confirms the proposed changes that were summarised in SFWIN 01/2012 in relation to private institutions, full-time distance learning, support for prisoners, part-time support, and graduate entry medical and dental courses. Further clarification is provided on some other issues.

Electronic copies of The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 are available to download from the OPSI website at <http://www.legislation.gov.uk/wsi/2011/886/contents/made>

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 or this Information Notice, please contact, in the first instance, the Higher Education Division, Welsh Government - email studentfinancedivision@wales.gsi.gov.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

Part-time support

There are no changes to part-time support for 2012/13 for Welsh part-time students (other than extending the application period to 9 months).

The regulations (Section 106) allow discretion to pay fee support to Welsh part-time students studying in England, Scotland and Northern Ireland. The amount of support will be limited to the lesser of:

- (a) the fee support payable to an eligible part-time student had the student been studying in Wales; and
- (b) the fee support payable to an eligible part-time student had the student been ordinarily resident in England and undertaking the course in England (or equivalent support in Scotland or Northern Ireland).

Additional year due to CPR (Compelling Personal Reasons)

The amending regulations provide local authorities with the discretion to allow a further additional year to be added to a student's period of eligibility where a student did not complete the latest previous course because of CPR, and the local authority determines that the additional year would be appropriate having regard to those reasons. It is envisaged that numbers affected would be minimal but that this discretion could be extremely helpful in these cases.

The 2012/13 Assessing Eligibility guidance chapter does not include reference to the specific application of the additional year for CPR.

New Students 2012/13 applying for TFL of less than £3,465

Welsh students can apply for a tuition fee loan (TFL) less than £3,465 but need to self-fund the difference between £3,465 and the loan taken out. The maximum new fee grant (NFG) available is £5,535. Any balance of fees remaining after deducting the TFL and NFG would have to be met by the student, for example:

A publicly funded HEI charges		£8,000
Student decides to take out a reduced fee loan	£1,200	
Student is awarded a fee grant (£8,000 - £3,465)	£4,535	
Balance to be met by the student (difference between £3,465 and £1,200)	£2,265	
Total	£8,000	£8,000

Dual nationality – eligibility for student support

A question has been raised regarding students from Northern Ireland who also hold passports from the Republic of Ireland and whether such students are able to qualify for support as EU nationals and therefore receive the more beneficial fee support package available in Wales.

The majority of UK nationals are excluded from the eligibility paragraphs in the regulations relating to EU nationals. Therefore as Northern Ireland students holding Irish passports are also likely to be UK nationals, they will be unable to claim support under the student support regulations (as EU Nationals) and will need to look to the equivalent Northern Irish legislation for assistance.

Therefore, in the majority of cases, UK nationals will be excluded from the definition of EU national for the purposes of student support eligibility. The only exception relates to those UK nationals who have exercised 'a right of residence'. In basic terms, a 'UK national who has exercised a right of residence' is someone from the UK who has lived independently in another EU country for a defined period.

In summary, whether a NI applicant has previously worked or studied in the EU, rather than the holding of an Irish passport will be the crucial factor in determining eligibility for fee support under the student support regulations.

Discretionary leave to remain

In Wales, the Education (Student Fees, Awards and Support) (Wales) Regulations 2011 came into force on 31 August 2011. The purpose of these Regulations is to extend the definition of "person with leave or enter to remain" to include those persons who have been granted discretionary leave other than as a result of a failed asylum application in the suite of regulations that relate to student support and higher education tuition fees. This change will have a positive impact on a small number of students who were previously not eligible for student support, home fee status or regulated fees. They also amend the definition of "family member" in the Education (Fees and Awards) (Wales) 2007 and the Assembly Learning Grants (European University Institute) Regulations 2009. Different rules apply in England.

In Wales, a student with discretionary leave to remain, and who is ordinarily resident in the UK on the first day of the first academic year of the course is categorised as a Home Student. The amount of fees that a university in Wales can charge depends on whether a student is categorised as a Home Student or an Overseas Student. Institutions can charge Overseas Student fees which are higher than those which they charge Home Students, but institutions are not obliged to do so.

A student with discretionary leave to remain will be eligible for fee support in respect of courses designated by the Welsh Ministers if:

- (a) on the first day of the first academic year of the designated course they are ordinarily resident in Wales;
- (b) they have been ordinarily resident in the UK throughout the three year period preceding the first day of the first academic year of the course.

2013/14 – Forward look

It is anticipated that (notwithstanding introduction of the new part-time package) the 2013/14 changes to the full-time regime will be minimal. A SFWIN will be issued as soon as the Welsh Ministers have agreed the package.