



Llywodraeth Cymru
Welsh Government

Student Finance Wales Information Notice

SFWIN 01/2024

Automatic designation of higher education courses

February 2024

This Information Notice is for universities, further education colleges and other providers who provide and deliver higher education courses. The information explains and clarifies the conditions to be met for a higher education course to be automatically designated to attract statutory student support.

1. Background

- 1.1 The student support regulations¹ set out the regulatory requirements for an undergraduate or postgraduate course, provided by an institution or other provider, to be designated for the purpose of attracting statutory student support for eligible students who are ordinarily resident in Wales.
- 1.2 There are two types of course designation: (i) automatic designation and (ii) specific designation.
- 1.3 The information below sets out the conditions for a higher education course to be automatically designated. If you require further information on specific designation and how to apply, this can be found within [SFWIN 08/2020 Policy for specific course designation](#).
- 1.4 A course is **only** automatically designated (and attracts statutory student support) if the institution or other provider meets the requirement summarised in section 2 (where relevant) and satisfies the relevant conditions (set out in paragraphs 3.1, 3.2 or 3.3 respectfully).
- 1.5 The arrangements for the designation of courses may change in the future as a result of the [Tertiary Education and Research \(Wales\) Act 2022](#).

2. Institutions and other providers

- 2.1 To be able to apply for Welsh Government Statutory Student Support, the student must be attending a Designated Course.
- 2.2 Institutions and other providers that want their higher education courses to be automatically designated, enabling access to student support for their students, need to have a fee and access plan in force as approved by the Higher Education

¹ [The Education \(Student Support\) \(Wales\) Regulations 2017](#), as amended; [The Education \(Student Support\) \(Wales\) Regulations 2018](#), as amended; [The Education \(Student Support\) \(Postgraduate Master's Degrees\) \(Wales\) Regulations 2019](#), as amended; [The Education \(Postgraduate Doctoral Degree Loans\) \(Wales\) Regulations 2018](#), as amended

Funding Council for Wales² (HEFCW). This does not include postgraduate courses which are not subject to a fee and access plan under the [Higher Education \(Wales\) Act](#). Part-time courses are also not currently subject to the fee and access plan arrangements.

- 2.3 Under section 2 of the Higher Education (Wales) Act 2015 (“2015 Act”), a governing body of an institution in Wales that provides higher education, and is a charity, may apply to HEFCW for approval of a proposed fee and access plan relating to the institution.
- 2.4 Providers of higher education that may not regard themselves as an “institution” under the 2015 Act or who are uncertain about their status as an “institution”, may nevertheless wish for their higher education courses to be designated by student support regulations. As such they can make an application to Welsh Ministers to be designated as an institution for the purpose of making a fee and access plan application to HEFCW. Further information on the application process for providers to be designated as an ‘institution’ can be found within [Guidance for applicants seeking to be designated as institutions for the purpose of the Higher Education \(Wales\) Act 2015](#).

3. Designated courses

Undergraduate courses - conditions

- 3.1 An undergraduate course is a designated course if it satisfies each of the following conditions:
 - 3.1.1 The course is **one** of the following:
 - a) a first degree course
 - b) a course for the Diploma of Higher Education
 - c) a Higher National Diploma (HND) or Higher National Certificate (HNC) course awarded by either the Business and Technology Education Council (BTEC) or the Scottish Qualification Authority (SQA)
 - d) a course for the certificate of Higher Education
 - e) a course for the initial training of teachers

² HEFCW will be replaced by the Commission for Tertiary Education and Research from the 1 August 2024.

- f) a course for the further training of youth and community workers
- g) a course in preparation for a professional examination of a standard higher than that of:
 - o an examination at advanced level for the General Certificate of Education or at a higher level for the Scottish Certificate of Education; or
 - o an examination for the National Certificate or the National Diploma awarded by BTEC or SQA
 so long as a first degree (or equivalent qualification) is not normally required for entry to the course.
- h) a course providing education (whether or not in preparation for an examination) the standard of which is higher than that of a course mentioned in (g) but not higher than that of a first degree course, and for entry to which a first degree (or equivalent qualification) is not normally required.

3.1.2 The course is **either** a full-time course, a sandwich course, or a part-time course.

3.1.3 The duration of the course is at least one academic year.

3.1.4 Where the course is a **full-time** course that **began before 1 August 2019**, it is provided:

- a) by a Welsh regulated institution, a protected English provider, a Scottish funded institution or a Northern Irish funded institution (whether alone or in conjunction with an institution outside the United Kingdom),
- b) by a charity³ on behalf of a Welsh regulated institution, or
- c) on behalf of a protected English provider by an institution that was before 1 August 2019 a publicly funded institution.

3.1.5 Where the course is a **full-time** course that **begins on or after 1 August 2019**, it is provided by:

- a) By a Welsh regulated institution, an English regulated institution, a Scottish funded institution or a Northern Irish funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom),
- b) a charity (see footnote 3) on behalf of a Welsh regulated institution (via a sub-contractual arrangement), or
- c) a registered English institution on behalf of an English plan provider (via a sub-contractual arrangement)

³ Within the meaning given by section 1 of the [Charities Act 2011](#)

- 3.1.6 Where the course is a **part-time** course that **began before 1 August 2019**, it is provided by an institution that before 1 August 2019 was a publicly funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom).
- 3.1.7 Where the course is a **part-time** course that **begins on or after 1 August 2019**, it is provided by:
- a) a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution (whether alone or in conjunction with an institution situated outside the United Kingdom), or
 - b) a registered English institution on behalf of an English plan provider (via a sub-contractual arrangement).
- 3.1.8 At least half of the teaching and supervision which comprise the course is provided in the United Kingdom.
- 3.1.9 The course leads to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the [Education Reform Act 1988](#) unless the course is a Higher National Diploma or Higher National Certificate awarded by BTEC / SQA, or is an initial teacher training course.
- 3.1.10 A definition of institutions is provided at [Annex A](#). For the purposes of paragraphs 3.1.4 to 3.1.7:
- a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
 - b) a university and any constituent college, or constituent institution in the nature of a college, of a university is regarded as a recognised educational institution if either the university or the constituent college or institution is a recognised educational institution;
 - c) an institution is not regarded as a Welsh funded institution or a publicly funded institution by reason only that where the course began before the 1 August 2019, the institution was a connected institution⁴ which received a relevant payment⁵ before that date; or where the course begins on or after 1 August 2019, the institution is a connected institution which receives a relevant payment.
- 3.1.11 However, a course is not a designated course if it is:

⁴ Within the meaning of section 65(3B) of the [Further and Higher Education Act 1992](#)

⁵ The payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.

- a) a course taken as part of an employment-based teacher training scheme⁶;
or
- b) a course falling within paragraph 3.1.1 (g) or (h) if the governing body of a maintained school⁷ has arranged for the provision of the course to a pupil of the school.

Postgraduate master's courses - conditions

3.2 A postgraduate master's course is a designated course if it satisfies each of the following conditions:

3.2.1 The course leads to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988 and the teaching and supervision which comprise the course have been approved by that body.

3.2.2 The course is **one** of the following:

- a) A full-time course of one or two academic years' duration, or
- b) A part-time course which it is ordinarily possible to complete in up to four academic years.

3.2.3 The course is provided by:

- a) a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution (whether alone or in conjunction with an institution within or outside the United Kingdom), or
- b) a registered English institution on behalf of an English plan provider (via a sub-contractual arrangement).

3.2.4 At least half of the teaching and supervision which comprise the course is provided in the United Kingdom.

3.2.5 For the purposes of paragraph 3.2.3:

⁶ An employment-based teacher training scheme means either:

- a) A scheme established by the Welsh Ministers under Regulation 8 of [the Education \(School Teachers' Qualifications\) \(Wales\) Regulations 2004](#) or under Regulation 8 of [the School Teacher' Qualifications \(Wales\) Regulations 2012](#) whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a maintained school, independent school or other institution except a pupil referral unit; or
- b) A scheme established by the Secretary of State whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a school, city college, Academy, independent school or other institution except a pupil referral unit.

⁷ A maintained school means a community, foundation or voluntary school; a community or foundation special school; or a maintained nursery school.

- a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
- b) a university and any constituent college or institution in the nature of a college of a university is regarded as a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution, an English regulated institution, a registered English institution, or an English plan provider; if either the university or the constituent college or institution is such an institution;
- c) an institution is not regarded as a Welsh funded institution by reason only that it receives funds from the governing body of a higher education institution as a connected institution in accordance with section 65(3A) and (3B) of the Further and Higher Education Act 1992.

3.2.6 However, a postgraduate master's course is not a designated course if it is recognised as a designated course under any of the other student support regulations (see footnote 1).

Postgraduate doctoral courses - conditions

3.3 A postgraduate doctoral course is a designated course if it satisfies each of the following conditions.

3.3.1 The duration of the ordinary period of registration for the course is not less than three academic years and not more than eight academic years

3.3.2 Where the course **began before 1 August 2019**, it is provided by an institution that before 1 August 2019 was a publicly funded institution (whether alone or in conjunction with another such publicly funded institution or with an institution situated outside the United Kingdom);

3.3.3 Where the course **begins on or after 1 August 2019**, it is provided by:

- a) a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution (whether alone or in conjunction with an institution within or outside the United Kingdom); or
- b) a registered English institution on behalf of an English plan provider;

3.3.4 The course is substantially provided in the United Kingdom

3.3.5 The course leads to a doctoral degree granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988; and the teaching and supervision which comprise the course has been approved by that body.

3.3.6 For the purposes of paragraph 3.3.2 to 3.3.4:

- a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
- b) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom;
- c) a university and any constituent college or institution in the nature of a college of a university is to be regarded as publicly funded if either the university or the constituent college or institution is publicly funded;
- d) an institution is not regarded as a publicly funded institution or a Welsh funded institution by reason only that where the course began before 1 August 2019, it was a connected institution which received a relevant payment before that date; or where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment;
- e) a course is not to be regarded as provided on behalf of a publicly funded educational institution where a part of the course is provided by a private institution.

3.3.7 However, a postgraduate doctoral course is not a designated course if it is recognised as a designated course under any of the other student support regulations (see footnote 1).

4 Course Management System

4.1 Institutions or other providers who want students on their higher education courses to be able to apply for statutory student support are responsible for ensuring relevant courses are designated in accordance with the student support regulations **before** uploading them onto the Student Loans Company (SLC) Course Management System (CMS).

4.2 The CMS is a secure directory of higher education providers and the full-time and part-time undergraduate and postgraduate courses each provides. The CMS is integral to the Student Finance Wales application process, and allows students to select their chosen course from the list of uploaded courses for the purposes of assessing their eligibility for statutory student support.

4.3 **Important note:** if courses do not satisfy the designation criteria but have been uploaded to the CMS, this will result in all student finance entitlement being withdrawn for those students who have linked their student finance application to such courses. This will place students into a financially difficult situation; they may be asked to repay any money paid to them and they may, as a consequence, withdraw from the course.

4.4 Further information on the CMS and how to upload a designated course can be found on SLC's HEP [Website](#).

Annex A

Definitions of institutions

Welsh funded institution	an institution maintained or assisted by recurrent grants out of funds provided by the Welsh Ministers
Welsh regulated institution	an institution which has a fee and access plan approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015 whilst that plan remains in force
Protected English provider	an institution which on or after 1 August 2018 but before 1 August 2019 was maintained or assisted by recurrent grants pursuant to section 65 of the Further and Higher Education Act 1992 other than an institution maintained or assisted by recurrent grants made by the Higher Education Funding Council for Wales
Registered English institution	an institution registered by the Office for Students in the register
English regulated institution	a registered English institution subject to a fee limit condition under section 10 of the Higher Education and Research Act 2017
English plan provider	a registered English institution which has an access and participation plan approved by the Office for Students under section 29 of the Higher Education and Research Act 2017 and which remains in force
Scottish funded institution	an institution maintained or assisted by recurrent grants out of funds provided

	by the Scottish Ministers
Northern Irish funded institution	an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive