

**EXPLANATORY MEMORANDUM TO**  
**THE EDUCATION (STUDENT SUPPORT) (AMENDMENT) REGULATIONS**  
**(NORTHERN IRELAND) 2020**

**S.R. 2020 No. 79**

**1. Introduction**

- 1.1** This Explanatory memorandum has been prepared by the Department for the Economy (“the Department”) to accompany S.R. 2020 No. 79 which is laid before the Northern Ireland Assembly.
- 1.2** The Statutory Rule is made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998, and is subject to the negative resolution procedure.
- 1.3** The rule will come into operation in accordance with regulation 1.

**2. Purpose**

This rule provides support for students taking designated higher education courses in respect of the academic year beginning on or after 1 September 2020 and makes amendments to the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (“the 2009 Regulations”). The effect of the rule is to:

- a. increase the amounts of grants for tuition fees (for those students still eligible for such grants) and student loans for tuition fees in line with inflation for the 2020/21 academic year for full-time students;
- b. maintain grants and loans for living costs for academic year 2020/21 at 2019/20 levels for full-time students and freeze grants for fees, course grants and disabled students’ allowances for part-time and full-time in-attendance and distance learning students;
- c. increase student loans for tuition fees for part-time and distance learning students in line with inflation for the 2020/21 academic year;
- d. maintain disabled students’ allowances and tuition fee loans for postgraduate students for academic year 2020/21 at 2019/20 levels;
- e. make provision for an increased Tuition Fee Loan for Northern Ireland students transferring from a full-time course to a full-time ‘accelerated degree’ courses in England;

- f. provide clarity on residual household income assessments (for students requesting a current year income assessment);
- g. provide for the removal of the 'yearly cap' in relation to the Master's, etc. Tuition Fee Loan;
- h. clarify that students who have previously received a postgraduate master's grant from the Welsh Government are not eligible for a postgraduate tuition fee loan from Student Finance NI;
- i. clarify that the Department may de-designate courses of higher education should the need arise; and
- j. amend regulation 46(3) to clarify that the childcare grant is not payable in instances where a student or his/her partner is in receipt of financial support for childcare under a healthcare bursary or Scottish Healthcare Allowance.
- k. remove an institution from Schedule 6 (list of ROI institutions) which has merged with a University and clarifies only those undergraduate courses designated for support in the relevant institutions of higher education in ROI will be designated for support.

### **3. Background**

The rule makes provision for support available in relation to an academic year beginning on or after 1st September 2020 and amends some of the provisions in the 2009 Regulations.

The policy and technical changes effected by this rule are:

#### **3.1 Student Finance Arrangements for Students Transferring to and from Accelerated Degree Courses in England.**

These Regulations amend the Student Support Regulations from the date of their coming into operation to provide that students who transfer from a full-time course which started before 1 August 2019 to a full-time accelerated degree course in England starting on or after 1 August 2019 will be subject to the higher fees and fee loan rates that apply to accelerated degree courses from 2019/20. They will also qualify for the full-time rates of loans for living costs that apply to accelerated courses in England.

#### **3.2 Household Income Assessment for students requesting a current year income assessment.**

Students applying for full-time grants for students with adult and child dependants qualify for support depending on their household income. For most students this is based on the taxable income of the student's parents or, where the student's parents have separated, the taxable income of the more appropriate parent (usually the parent with whom the student normally lives) and, where applicable, that parent's partner.

Where the income for the current financial year falls by at least 5% compared to the income provided for the prior financial year (the financial year ending in the calendar year before the academic year for which the student is applying for support), the student can ask Student Finance Northern Ireland to reassess their living costs support. This reassessment is known as a current year assessment.

These Regulations amend the Student Support Regulations to clarify that the income of both parents, or the more appropriate parent and their partner, is taken into account when determining whether a current year assessment may be carried out.

The Regulations also correct the definition of "prior financial year" which applies when a student's parents are self-employed, to replace the term "prior financial year" with "financial year immediately preceding the preceding financial year", corrects references to "income" by replacing them with "residual income" and makes other, minor corrections to cross references.

These changes will apply from the date that this instrument comes into operation.

### **3.3 Removal of the yearly cap in relation to the Master's, etc. Tuition Fee Loan**

Eligible postgraduate students can currently apply for a postgraduate loan of up to £5,500 towards their course fees. The Regulations currently provide for an annual cap on the amount available to split the cost equally across up to 3 years of postgraduate study. However, it has come to light that course fees are not always split evenly, meaning that in some instances students may be faced with a funding shortfall for the year despite the overall cost of the course being £5,500.

It was not the policy intention to disadvantage students in this way, and this amendment will address this anomaly by removing the yearly cap.

This change will apply to new and continuing students on postgraduate master's degree courses in the 2020/21 academic year from 1 August 2020 onwards.

### **3.4 Changes to postgraduate support for Welsh students**

Until now, support for postgraduate students throughout the UK has been in

the form of loans only, and current policy is that students can't access a Postgraduate Tuition Fee Loan from Student Finance NI if they have previously received a postgraduate loan from another jurisdiction within the UK.

From 1 August 2019, the Welsh Government has replaced its previous postgraduate loan with a new combined postgraduate loan and grant product, which will provide Welsh students with the option of applying for a loan only; grant only; or a combination of both.

The effect of this amendment will be that a student will not be eligible for a Postgraduate Tuition Fee Loan from Student Finance NI if they have previously received a postgraduate loan from another jurisdiction within the UK, or a Postgraduate Master's Grant from Student Finance Wales. An exception will apply for students who have previously received a postgraduate master's grant from Student Finance Wales but who were unable to complete their course due to compelling personal reasons.

This change will apply to new students starting postgraduate master's degree courses in the 2020/21 academic year from 1 August 2020 onwards.

### **3.5 De-designating courses of higher education**

Currently, regulations 6, 107, 124 and 141 of the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009 provide the Department with the power to designate courses of higher education which do not fulfil the criteria for automatic designation.

In 2014 England made explicit their power to also 'de-designate' courses should the need arise. It would now be the intention to make similar provisions in our NI Student Support Regulations.

### **3.6 Eligibility for childcare grant**

Regulation 46(3) of the Student Support Regulations makes provision for certain circumstances under which the childcare grant may not be payable to a student, the intention being to ensure that students should not avail of government funding twice for childcare. This provision was amended by colleagues in the Department for Communities in 2016 to include reference to Universal Credit, but it appears that a previous reference to the student's partner being in receipt of a 'healthcare bursary' was removed in error at that time.

This amendment re-inserts reference to 'healthcare bursary' and includes reference to the Scottish Healthcare Allowance, which is in line with the corresponding provision in England.

This change will apply to new students on full-time undergraduate courses in the 2020/21 academic year from 1 August 2020 onwards.

#### **4. Consultation**

There is no statutory requirement to consult on these Regulations as they do not give effect to policy changes but facilitate policy implementation.

#### **5. Equality Impact Assessment**

A Section 75 Equality of Opportunity Screening exercise has been carried out and it is our view that the proposals will not have an adverse impact on any of the Section 75 categories.

#### **6. Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared for this rule as it has no adverse impact on business, charities or voluntary bodies.

#### **7. Financial Implications**

The financial implications of the student support package for academic year 2020/21 have been costed and take into account the financial restrictions in the current CSR period.

#### **8. Section 24 of the Northern Ireland Act 1998**

The Departmental Solicitor's Office has confirmed that the making of this rule complies with Section 24 of the NI Act.

#### **9. EU Implications**

Not applicable.

#### **10. Parity or Replicatory Measures**

Historically, our Regulations were made in broad parity with England and Wales but following the wholesale changes that were implemented in England and Wales from academic year 2012/13 as a result of the Browne Review; this is no longer necessarily the case.

#### **11. Contact**

Conor McCartan at the Department for the Economy, Tel: 028 90 257707 or email: [conor.mccartan@economy-ni.gov.uk](mailto:conor.mccartan@economy-ni.gov.uk) can answer any queries regarding this Rule.