

**EXPLANATORY MEMORANDUM TO**  
**THE EDUCATION (STUDENT SUPPORT, etc) (AMENDMENT) REGULATIONS**  
**(NORTHERN IRELAND) 2022**

**S.R. 2022 No. 75**

**1. Introduction**

- 1.1** This Explanatory memorandum has been prepared by the Department for the Economy (“the Department”) to accompany S.R. 2022 No. 75, 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 Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.
- 1.3** The rule will come into operation in accordance with regulation 1 of these Regulations.

**2. Purpose**

This rule provides support for students taking designated higher education courses in respect of the academic year beginning on or after 1st September 2022 and makes amendments to the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (S.R. 2009 No.373) (“the Student Support Regulations”). It also makes amendments to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 328) (“the QCP Regulations”). The effect of the rule is to:

- a. make provision for an increase in the amount of tuition fee support available under specified circumstances to NI domiciled students for academic year 2022/23, in line with chargeable inflationary increases;
- b. increase the tuition fee loan available for part-time and distance-learning students from £3,397.50 in academic year 2021/22 to £3,472.50 in 2022/23;
- c. increase the tuition fee loan available to Northern Ireland students studying ‘validated’ courses at alternative providers in Scotland or Wales and at Approved providers in England from £4,530 to £4,630;
- d. remove redundant references to old system students and College Fee Loans;

- e. enact changes to allowances for full-time and part-time undergraduate and postgraduate students with disabilities in AY 2022/23;
- f. provide clarity on the support available to students completing certain specified graduate entry courses;
- g. enact the inclusion of new eligible residency categories from academic year 2022/23 for those relocated under the ARAP and ACRS Schemes;
- h. remove any redundant provisions for academic year 22/23 where the Grace Period has ended for the EU Settlement Scheme;
- i. clarify the position of Citizens Rights in relation to late applicants and joining family members;
- j. clarify the position in relation to students coming from the Crown Dependencies; and
- k. make other technical changes.

### **3. Background**

The rule makes provision for support available in relation to an academic year beginning on or after 1st September 2022 and amends some of the provisions in the 2009 Regulations.

The policy and technical changes effected by this rule are:

#### **3.1 Removal of references to old system students**

This instrument therefore amends the Student Support Regulations to remove all references to old system students, which are now no longer required and the grants and loans they are entitled to from the date on which this instrument comes into force.

Similarly redundant provisions in relation to College Fee Loans are also being removed.

#### **3.2 Changes to allowances for full-time and part-time undergraduate students and postgraduate students with disabilities in 2022/23.**

Full-time and part-time undergraduate students and postgraduate students with disabilities who are obliged to incur essential additional expenditure while undertaking a course of higher education as a result of their disability qualify for disabled students' allowance which is a non-income assessed grant. Different rates of disabled students' allowance apply in 2021/22 for full-time and part-time undergraduate students and for postgraduate students.

Currently, there are four separate sub-allowances (for non-medical help, specialist equipment, travel and a general allowance) available for undergraduate students whereas the disabled students' allowance for postgraduate students is a single allowance.

This instrument replaces the four sub-allowances for full-time and part-time undergraduate students in 2021/22 with a single allowance of £25,000 in 2022/23 to increase flexibility for students to access the support they need.

The single maximum disabled students' allowance for postgraduate students is increased to £25,000 in 2022/23, in line with the new single allowance for undergraduate students.

Specific provision is made to allow the £25,000 allowance to be exceeded where this is necessary to ensure that a student's travel costs (within the meaning of the Regulations) can continue to be met in full.

These changes will apply to full-time and part-time students starting or continuing undergraduate and postgraduate courses in the 2022/23 academic year.

### **3.3 Graduate Entry Courses**

Graduate entry courses are undergraduate courses that require a degree or equivalent to access the course. Graduate entry courses tend to be of a shorter duration to the equivalent course where standard entry requirements apply.

In line with departmental policy the Student Support Regulations, as amended, prescribe that support is only provided for one degree or any course of an equivalent level. There are exceptions where specified maintenance support is provided for a second degree for "specified courses", where the designated course leads to a qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect.

The Department is now clarifying current policy intent within the Student Support Regulations that maintenance support be provided for specified graduate entry courses listed above by specific provision to allow such a course to be a 'designated course' in the regulations. However, as there currently are no graduate entry courses in architecture this addition will not be included at this time.

### **3.4 Introducing a new Eligibility Category in Regulations for those persons under the Afghan Relocations and Assistance Policy (ARAP) and the Afghan Citizens Resettlement (ACRS) Schemes**

The ARAP is a UK Government bespoke policy, announced on 1 April 2021 to provide support to current and former locally employed staff in Afghanistan who face intimidation and have been assessed to be at real risk of harm in

Afghanistan as a result of their employment with the UK government. Such a person would, if they were able to make their own way to the UK and apply for asylum, likely qualify for international protection, such as refugee status.

The ACRS was announced by the UK government in September 2021. The ACRS has been established to provide protection for Afghan citizens who have contributed to civil society or who face a particular risk from the Taliban, for example, because of their role in standing up for democracy and human rights, or because of their gender, sexuality or religion.

Individuals under these schemes will be eligible for student support funding. This change will apply to new students starting full-time or part-time undergraduate and postgraduate courses in the 2022/23 academic year.

### **3.5 Changes to the EU Settlement Scheme Grace Period**

EU, other EEA and Swiss Nationals applying for support for courses starting in academic year 2021/22 will generally not be entitled to fee loans unless they are in scope of the Withdrawal Agreements and applied for settled or pre-settled status under the EU Settlement Scheme (EUSS) on or before 30 June 2021. In accordance with the Withdrawal Agreements, the Student Support Regulations provide for students in scope of citizens' rights to be treated as eligible during the Grace Period (the period from the end of the transition period until 30 June 2021), even if no application to the EUSS had yet been made.

This rule makes changes to the Student Support Regulations for EU, other EEA and Swiss nationals starting undergraduate HE courses in 2022/23 by removing this provision as it is redundant now the Grace Period has ended. Those who have made an application for student support on or before 30 June 2021 and who have been granted settled or pre-settled status, or who are awaiting the outcome of their application or the outcome of an appeal, will be eligible under the terms of the Withdrawal Agreements, see below. Those who did not make an application by 30 June 2021, or who have had an application declined, will not generally be eligible for support.

### **3.6 Joining Family members and Late applicants to the EUSS**

These amending regulations make provision as regards eligibility for home fee status and student finance for persons covered by the EU Withdrawal Agreement. Specifically, it ensures that the Regulations fully reflect the requirements of:

- article 18(3) of the EU Withdrawal Agreement (and corresponding articles in the other withdrawal agreements), which confer protections on a person, including a person who has submitted a late application under article 18(1)(d), while their application is pending and during any

appeal against a refusal of their application (equivalent updates are also made to the eligibility category covering those with settled status under the EUSS); and

- article 18(2) of the EU Withdrawal Agreement (and corresponding articles in the other withdrawal agreements), which confer protections on a person within the deadline for making an application, including a person purporting to be a joining family member during the initial 3 months following their arrival in the UK.

They also make corresponding updates for persons covered by equivalent provisions in the EEA-EFTA separation agreement and the Swiss citizens' rights agreement.

### **3.7 Residents of the Islands / Crown dependencies (Channel Islands and Isle of Man) coming to NI to study**

A technical change is being made to regulations to support the policy intent that any individual who is ordinarily resident in the Islands and comes to the UK for the purposes of study is not to receive student funding from Student Finance NI under this category; they should apply for student support from their Island's government.

### **3.8 Miscellaneous**

This rule clarifies the long residence category by adding an omitted reference to 'on the first day of the first academic year of the course' so that students who fall within the long residence eligibility category in both the Student Support Regulations and the QCP Regulations must be ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

This rule also clarifies, in relevant categories of both the Student Support Regulations and the QCP Regulations that an Irish citizen is not required to be living in the UK on IP completion day.

This rule makes necessary amendments to update the Schedule 6 list of Higher Education institutions in the Republic of Ireland.

## **4. Consultation**

There is no statutory requirement to consult on those elements of these Regulations which do not give effect to policy changes but facilitate policy implementation or statutory obligations or where Executive commitment was given in relation to over-arching policy such as the ARAP and ACRS Schemes.

## **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. Rural Needs Impact Assessment**

A Rural Needs Impact Assessment has been prepared

**7. 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.

**8. Financial Implications**

The financial implications of the student support package for academic year 2022/23 have been costed and take into account the financial restrictions in the current CSR period.

**9. 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.

**10. EU Implications**

This instrument is not being made under the European Union (Withdrawal) Act but relates to the withdrawal of the United Kingdom from the European Union because it makes updates to the legislation that regulates eligibility for home fee status and student financial support arising from our withdrawal from the EU.

**11. Parity or Replicatory Measures**

Historically, the Department's 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.

**12. Contact**

Siobhan Martin at the Department for the Economy, Tel: 028 90 257469 or email: [siobhan.martin@economy-ni.gov.uk](mailto:siobhan.martin@economy-ni.gov.uk) can answer any queries regarding this Rule.