

EXPLANATORY MEMORANDUM TO
THE EDUCATION (STUDENT FEES, AWARDS AND SUPPORT ETC.)
(AMENDMENT) (NO. 2) REGULATIONS 2020

2020 No. 48

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument makes miscellaneous amendments, including a number of corrections, to the following legislation relating to finance for students in further and higher education:
- the Education (Fees and Awards) (England) Regulations 2007 (S.I. 2007/779) (“the Fees and Awards Regulations”);
 - the Education (Student Support) (European University Institute) Regulations 2010 (S.I. 2010/447) (“the European University Institute Regulations”);
 - the Education (Student Support) Regulations 2011 (S.I. 2011/1986) (“the Student Support Regulations”);
 - the Further Education Loans Regulations 2012 (S.I. 2012/1818) (“the Further Education Loans Regulations”);
 - the Education (Postgraduate Master’s Degree Loans) Regulations 2016 (S.I. 2016/606) (“the Master’s Regulations”);
 - the Higher Education (Fee Limit Condition) (England) Regulations 2017 (S.I. 2017/1189) (“the Fee Limit Condition Regulations”);
 - the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599) (“the Doctoral Regulations”).
- 2.2 This instrument revokes and replaces the Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2020 (S.I. 2020/46) due to the provision providing for the coming into force of that instrument being defective.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 Although this instrument is necessary to introduce further and higher education student finance changes for the 2020/21 academic year, it also make a number of corrections and revokes and earlier instrument due to a defect:
- at regulation 2(2)(a)(i) this instrument corrects the European University Institute Regulations by inserting the defined term “Islands”;

- at regulation 6(2)(e)(ii), this instrument amends regulation 47 of the Student Support Regulations to correct the means test applicable to childcare grants available to full-time undergraduate higher education students. The effect is that the basic amount of childcare grant is correctly stated as being multiplied by 52;
- at regulation 6(2)(g), this instrument removes incorrectly inserted references to paragraphs (3AA) and (3B) in regulation 47(6) of the Student Support Regulations;
- at regulation 7, this instrument makes corrections to regulations 68 and 69 of the Student Support Regulations in relation to the definition of a student with “full entitlement”. In regulation 7(1) this instrument amends regulation 68(a) so that the term “with full entitlement” is defined. At regulation 7(2) it adds an omitted reference to “with full entitlement” into regulation 69(4). The effect is that students aged 60 or over who started their courses on or after 1 August 2016 do not qualify for reduced-rate non means-tested loans for living costs.
- at regulation 10(2), 10(3)(c) and 10(4)(d), this instrument corrects incorrect references in regulation 42(6), paragraph 6 of Schedule 4 and paragraph 6 of Schedule 6 to the Student Support Regulations (sub-paragraphs (8), (9) and (10), sub-paragraphs (8),(9) and (10) and sub-paragraphs (7),(8) and (9) respectively);
- at regulation 10(3)(b)(i), when restating paragraph 5(5) of Schedule 4 to the Student Support Regulations, this instrument corrects an instance of “(3) and, where applicable, under sub-paragraph (4)” to “(3) or, where applicable, under sub-paragraph (4)” and at regulation 10(4)(c)(i) when restating paragraph 5(4) of Schedule 6 to those Regulations, this instrument corrects an instance of “(2) and, where applicable, under sub-paragraph (3)” to “(2) or, where applicable, under sub-paragraph (3)”;
- at regulation 10(3)(b)(ii) and regulation 10(4)(c)(ii) this instrument corrects the definition of “prior financial year”, in relation to the calculation of household income in Schedules 4 and 6 to the Student Support Regulations, by replacing the term “prior financial year” in the definition with “financial year immediately preceding the preceding financial year”;
- also at regulation 10(3)(c) and 10(4)(d), this instrument corrects paragraph 6 of Schedule 4 and paragraph 6 of Schedule 6 by replacing references to “income” with “residual income”;
- at regulation 10(4)(b), this instrument corrects paragraph 3 of Schedule 6 to the Student Support Regulations by adding the unintentionally omitted sub-paragraph (3). Sub-paragraph (3) provides that that in households where both a parent and child are students, the household income assessment only takes account of the parent’s partner’s income when the child’s entitlement to support is assessed;
- at regulation 18(1), this instrument corrects the European University Institute Regulations in relation to the eligibility for student support for unaccompanied asylum seeking children relocated to the UK under the terms of Section 67 of the Immigration Act so that “relevant date” is referred to instead of the incorrect “first day of the first academic year of the course”;

- at regulation 18(2), this instrument replaces the words ‘one or both’ in regulation 12(1)(a), 12(1)(b)(ii) and 12(1)(b)(iii)(aa) of the Student Support Regulations with ‘at least one’;
- additionally, at regulation 19, the instrument revokes the Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2020 due to the provision providing for the coming into force of that instrument being defective. This instrument replaces the Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2020.

3.2 In light of these, the Department is adopting the free issue procedure in relation to this instrument. The Department confirms that it has complied with the requirement stated in paragraph 4.7.1 of Statutory Instrument Practice to consult the SI Registrar on the use of the free issue procedure in relation to this instrument.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.3 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England only.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 This instrument makes amendments to the legislation governing undergraduate and postgraduate student funding in England.

6.2 The Student Support Regulations provide for support for undergraduate students taking designated full-time and part-time courses and also for certain postgraduate higher education courses. The support provided for under these Regulations includes fee support, loans and grants for living costs, grants for other costs such as travel, grants for dependants and disabled students’ allowances.

6.3 The Master’s Regulations provide for the making of loans to eligible students for designated postgraduate master’s degree courses beginning on or after 1st August 2016.

6.4 The Doctoral Regulations provide for the making of loans to eligible students in connection with designated postgraduate doctoral degree courses that begin on or after 1st August 2018.

6.5 The European University Institute Regulations set out the financial support available for students taking designated postgraduate courses at the European University Institute in Florence, Italy, in respect of an academic year beginning on or after 1st September 2010. These Regulations make provision for grants for living and other

costs, a disabled student's allowance and a grant for dependants, for up to twenty eligible students.

- 6.6 The Further Education Loans Regulations provide for fee loans for students taking designated further education courses which begin on or after 1st August 2013.
- 6.7 The Fees and Awards Regulations provide that, in the circumstances described in the Regulations, it is lawful to discriminate between certain persons, meaning persons who do not have a specified connection with the UK can be charged higher fees than those who do. Those with the specified connection to the UK are referred to as having "home fee status".
- 6.8 The Fee Limit Condition Regulations prescribe the category of higher education provider, and set out the qualifying persons and courses to which/whom maximum fee limits for undergraduate courses apply.

7. Policy background

Introducing a new Eligibility Provision in Regulations for victims of domestic violence or domestic abuse who have been granted Indefinite Leave to Remain on this basis.

- 7.1 The Home Office makes special provision to grant Indefinite Leave to Remain for victims of domestic violence or domestic abuse who are in the UK by virtue of a partner visa or sponsorship by a British citizen or settled person. Where an individual's relationship has broken down with their partner/sponsor as a result of domestic violence or controlling behaviour, such that they have been prevented from renewing their temporary leave to remain and they have provided evidence of this, they will be granted Indefinite Leave to Remain (ILR). Partners of refugees and those of certain armed forces personnel may also be granted ILR on the basis of being victims of domestic violence or domestic abuse.
- 7.2 Unlike most categories of application for leave, victims of domestic violence or domestic abuse can be granted ILR without an existing grant of leave. This is in recognition that a person may have been subject to controlling, coercive and threatening behaviour, violence or abuse, which affected their ability to renew their leave.
- 7.3 Victims of domestic violence or domestic abuse who have been granted ILR on this basis may not satisfy the three year ordinary residence requirement for student support in England, because they need to show three years ordinary residence immediately prior to the start of their course. While they may have had three years' lawful residence in the past, and have been in the UK for a significant time, there could be gaps in their lawful residence as a result of the violence they have suffered which prevent them from qualifying for student support for a higher education course.
- 7.4 This instrument introduces a new eligibility provision in Schedule 1 of Student Support Regulations for victims of domestic violence or domestic abuse granted ILR who are starting courses from 2020/21 so that they will qualify for student support.
- 7.5 This instrument also amends the Masters Regulations and Doctoral Regulations to allow victims of domestic violence or domestic abuse granted ILR to qualify for postgraduate master's loans and postgraduate doctoral degree loans respectively. This instrument amends the European University Institute Regulations to allow this group of students undertaking full-time postgraduate courses at the European University Institute to qualify for grants for living and other costs and supplementary grants.

- 7.6 This instrument amends the Fees and Awards Regulations so that victims of domestic violence or domestic abuse granted ILR who are starting courses in the 2020/21 academic year qualify for home fee status. It also amends the Fee Limit Condition Regulations so that this group of students are ‘qualifying persons’ for the purposes of tuition fee limits. Qualifying persons, if they are studying a prescribed type of course at a prescribed category of higher education provider, may not be charged more than a prescribed maximum amount in tuition fees.
- 7.7 This instrument amends the Further Education Loans Regulations 2012 so that victims of domestic violence or domestic abuse granted ILR who are starting courses in the 2020/21 academic year qualify for advanced learner loans.

Introducing a new Eligibility Category in Regulations for children granted leave to remain under Paragraphs 352J, 352K, 352L or 352T of Part 11 of the Immigration Rules: ‘Calais Children’.

- 7.8 In November 2018 the Home Office introduced a new category of limited leave to enter and remain in the UK for individuals who were transferred to the UK as part of the Calais camp clearance and who do not qualify for leave to remain under existing rules, ‘Calais Children.’
- 7.9 Individuals granted leave under paragraphs 352J, 352K, 352L or 352T of Part 11 of the Immigration Rules and their dependent children granted “leave in line” will have the right to study, work, access public funds (claim benefits and housing support) and access healthcare for five years, and if their Calais leave is renewed after five years, apply for a further residence permit and indefinite leave to remain without paying a fee after ten years. A new eligibility category is being added to Schedule 1 to the Student Support Regulations for the 2020/21 academic year so that Calais Children and their dependent children qualify for student support.
- 7.10 This instrument also amends the Masters Regulations and Doctoral Regulations to allow Calais Children and their dependent children to qualify for postgraduate master’s loans and postgraduate doctoral degree loans respectively. This instrument amends the European University Institute Regulations to allow this group of students undertaking full-time postgraduate courses at the European University Institute to qualify for grants for living and other costs and supplementary grants.
- 7.11 This instrument amends the Fees and Awards Regulations so that Calais Children and their dependent children who are starting courses in the 2020/21 academic year qualify for home fee status. It also amends the Fee Limit Condition Regulations so that this group of students are ‘qualifying persons’ for the purposes of tuition fee limits.
- 7.12 This instrument amends the Further Education Loans Regulations so that Calais Children and their dependent children who are starting courses in the 2020/21 academic year qualify for advanced learner loans.

Automatic designation of courses offered by private providers in the Devolved Administrations.

- 7.13 For 2019/20, higher education courses offered by providers in England that are registered with the Office for Students (OfS) are automatically designated in order to attract fee loan and living costs support for English-domiciled students. In addition, courses offered by providers funded by the Scottish Funding Council in Scotland, the Higher Education Funding Council for Wales in Wales or the Department for

Employment and Learning or the Department for Agriculture and Rural Development in Northern Ireland are also automatically designated for support for English-domiciled students undertaking their courses. However, because the OfS does not regulate or register providers in the devolved administrations, private providers in the devolved administrations which are of an equivalent standard to those regulated by the OfS would nevertheless need to be specifically designated by the Secretary of State in order for English-domiciled students to access support.

- 7.14 This instrument amends the Student Support Regulations for 2020/21 to allow courses offered by certain private providers in the devolved administrations to be automatically designated for support for English-domiciled students. The amendments provide that courses substantially provided in Wales and Northern Ireland, which are specifically designated by their own ministers for students domiciled in their own territories, will be automatically designated for support for English-domiciled students. A course is “substantially provided” in a devolved authority if at least half the teaching and supervision which comprise the course is provided in that devolved authority.
- 7.15 In relation to Scotland, the amendments provide that courses substantially provided in Scotland must have been designated by the Welsh and Northern Irish Governments, as well as the Scottish Government, in order to be automatically designated for English-domiciled students. This is to reflect differences in the specific designation processes which apply in Scotland. All three devolved administrations have similar legal provisions to England, allowing ministers to specifically designate courses for students domiciled in their own territories.
- 7.16 Similar amendments are being made to the Master’s Regulations, in respect of courses in all three devolved administrations, and to the Doctoral Regulations in respect of Welsh designated doctoral degrees (the Scottish and Northern Irish Governments do not have power to designate doctoral degree courses).
- 7.17 The changes for 2020/21 will apply to English-domiciled students starting or continuing their courses at small numbers of private providers in the devolved administrations.

Student Finance Arrangements for Students Transferring to and from Accelerated Degree Courses.

- 7.18 For 2019/20, students starting full-time accelerated degree courses are subject to higher maximum fee limits under the Fee Limit Condition Regulations and can apply for corresponding fee loans under the Student Support Regulations.
- 7.19 This instrument amends the Student Support Regulations from the date this instrument comes into force to provide that students who transfer from a full-time course which started before 1 August 2019 to a full-time accelerated course 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.

Revised income assessment and increases for full-time childcare grants in 2020/21.

- 7.20 For 2019/20, Childcare Grants are paid to full-time students attending undergraduate courses on proof of charges incurred rather than the previous system which paid cash in advance based on estimates of childcare costs. The new system aims to reduce overpayments and fraud. In order to implement the new payments system for 2019/20,

the previous composite dependants' grants income assessment has been replaced with revised, separate but simpler income assessments for means-tested Childcare Grant, Adult Dependants' Grant and Parents' Learning Allowance in 2019/20.

- 7.21 This instrument amends the formulae for the Childcare Grants' income assessments in the Student Support Regulations from the date this instrument comes into force to ensure students receive the correct entitlement to Childcare Grant.
- 7.22 Further, it corrects the formula that relates to parents with two or more dependent children so that it correctly multiplies the basic amount of grant by 52 and removes incorrect references to paragraphs (3AA) and (3B) from regulation 47(6).
- 7.23 This instrument also provides that students applying for less Childcare Grant than the maximum they are entitled to will qualify for the amount applied for.

Entitlement to loans for living costs for students aged 60 or over on the first day of the first academic year of their course.

- 7.24 Students starting their courses on or after August 2016 who are aged 60 or over on the first day of the first academic year of their course qualify for a fully means-tested loan for living costs. Our policy intent is that they do not qualify for the partially means-tested loans for living costs and reduced rate non-means tested loans for living costs for students aged under 60 with "reduced entitlement" as defined by regulation 68(e).
- 7.25 Regulation 69(4) currently provides that students aged 60 or over on the first day of the first academic year of their course qualify for reduced rate non-means tested loans, although no student in that age group has received one. This instrument amends Regulation 69(4) to provide that this group of students do not qualify for reduced rate non-means tested loans for living costs. This change will apply from the date this instrument comes into force.

Amendment of science, technology, engineering or maths (STEM) exemption subject groups in relation to the equivalent or lower level qualification (ELQ) rules for students studying part-time honours degrees.

- 7.26 Most students who hold a higher education qualification are currently not entitled to apply for fee loans for a second course if that course leads to a qualification that is equivalent or lower in level (ELQ) than their first qualification. ELQ rules also apply for loans for living and other costs for students attending courses. ELQ rules do not apply where the Government wishes to support students wishing to retrain in strategic areas e.g. students undertaking part-time honours degrees courses as a second course in certain science, technology, engineering or maths (STEM) subjects (known as a STEM exemption) or in relation to courses of initial teacher training
- 7.27 Before 2019/20, the Student Loans Company (SLC) and providers used the Joint Academic Coding System to identify courses eligible for support under the part-time STEM exemptions within the regulations.
- 7.28 With effect from 2019/20, a new subject coding system, the Higher Education Classification of Subjects (HECoS), was developed to replace this system. Changes were made for the 2019/20 academic year to the Student Support Regulations to ensure that subject categories for part-time STEM exemptions named within the regulations were reflective of the relevant HECoS categories.
- 7.29 This instrument makes two further amendments to the subject categories in the Student Support Regulations for part-time STEM exemptions for 2020/21: The 'geographical and environmental studies' category is renamed 'geography, earth and

environmental studies' and the 'general and others in sciences' category is removed. Courses falling under this category will be reclassified under 'physical sciences,' which is already a category within the Student Support Regulations. These changes will apply to students starting or continuing part-time courses in 2020/21.

Eligibility of students undertaking part-time courses of initial teacher training for loans for living costs.

- 7.30 Since 2018/19, students attending part-time degree level and equivalent courses have qualified for partially means-tested loans for living costs. These loans were introduced to help support increased take-up of part-time study by providing greater access to finance to meet living costs. However, part-time courses below degree level do not attract part-time loans for living costs.
- 7.31 This instrument amends the Student Support Regulations to provide that students undertaking part-time courses of initial teacher training below degree level do not qualify for loans for living costs. This change will apply from the date that this instrument comes into force.

Household Income Assessment for students requesting a current year assessment.

- 7.32 Students applying for full-time and part-time loans for living costs and 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.
- 7.33 Where the income for the current financial year falls by at least 15% 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 England to reassess their living costs support. This reassessment is known as a current year assessment.
- 7.34 This instrument amends the Student Support Regulations to provide 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.
- 7.35 This instrument corrects 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. Additionally, this instrument omits two redundant provisions from paragraph 6 of Schedule 4 and paragraph 6 of Schedule 6. These changes will apply from the date that this instrument comes into force.

Household income assessment for part-time undergraduate students

- 7.36 Paragraph 3(4) of Schedule 4 of the Student Support Regulations provides that where the income of a parent's partner is used to determine the amount of living costs support for a full-time course the child of the parent or child of the parent's partner is entitled to, the income of the parent's partner is not taken into account when assessing the amount of support the student's parent is entitled to.
- 7.37 The same policy intent applies for students applying for part-time loans for living costs. This instrument corrects Schedule 6 of the Student Support Regulations to add a

corresponding paragraph to section 3 of that schedule from the date that this instrument comes into force. The Regulations give effect to our policy intent that partner's income should only be used once where both a parent and child in a household are students.

Changes to living costs support for 2016 cohort full-time undergraduate students in 2020/21.

- 7.38 The maximum loan for living costs for new full-time undergraduate students and continuing full-time undergraduate students who started their courses on or after 1 August 2016, ('2016 cohort students'), will be increased by forecast inflation (2.9%) in 2020/21.
- 7.39 This instrument amends the Student Support Regulations so that the maximum loan for living costs for most 2016 cohort students living away from home and studying outside London will be £9,203 in 2020/21; for students living away from home and studying in London, £12,010; for students living in the parental home, £7,747 and for students studying overseas as part of a UK course, £10,539.
- 7.40 Different rates of loan for living costs apply to full-time undergraduate students eligible for benefits. This instrument amends the Student Support Regulations so that the maximum loan for living costs for 2016 cohort students who are eligible for benefits and are living away from home and studying outside London will be £10,490 in 2020/21; for students living away from home and studying in London, £13,098; for students living in the parental home, £9,140 and for students studying overseas as part of a UK course, £11,732.
- 7.41 2016 cohort students aged 60 or over on the first day of the first academic year of their course qualify for a separate rate of loan for living costs. This instrument amends the Student Support Regulations so that the maximum loan for living costs for 2016 cohort students aged 60 or over on the first day of the first academic year of their course will be £3,893 in 2020/21.

Changes to living costs support for 2009 and 2012 cohort full-time undergraduate students in 2020/21.

- 7.42 The maximum loan for living costs for full-time undergraduate students who entered higher education on or after 1 September 2012 but before 1 August 2016, ('2012 cohort students'), will be increased by forecast inflation (2.9%) in 2020/21.
- 7.43 This instrument amends the Student Support Regulations so that the maximum loan for living costs for 2012 cohort students living away from home and studying outside London will be £6,597 in 2020/21; for students living away from home and studying in London, £9,205; for students living in the parental home, £5,247 and for students studying overseas as part of a UK course, £7,838.
- 7.44 2012 cohort students on lower incomes qualify for an income assessed maintenance grant, or for 2012 cohort students who are eligible for benefits, an income assessed special support grant. This instrument amends the Student Support Regulations so that the maximum maintenance grant and special support grant for 2012 cohort students will be increased by forecast inflation (2.9%) to £3,801 in 2020/21.
- 7.45 The maximum loan for living costs for eligible full-time undergraduate students who entered higher education on or after 1 September 2009 but before 1 September 2012, '2009 cohort students', will be increased by forecast inflation (2.9%) in 2020/21.

- 7.46 This instrument amends the Student Support Regulations so that the maximum loan for living costs for 2009 cohort students living away from home and studying outside London will be £5,938 in 2020/21; for students living away from home and studying in London, £8,309; for students living in the parental home £4,604 and for students studying overseas as part of a UK course, £7,068.
- 7.47 2009 cohort students on lower incomes qualify for an income assessed maintenance grant, or for 2009 cohort students who are eligible for benefits, an income assessed special support grant. This instrument amends the Student Support Regulations so that the maximum maintenance grant and special support grant for 2009 cohort students will be increased by forecast inflation (2.9%) to £3,489 in 2020/21.

Changes to elements of the living costs support package for new and continuing full-time undergraduate students in 2020/21.

- 7.48 Full-time undergraduate students attending courses that are longer than 30 weeks and three days in length during the academic year qualify for an income assessed long courses loan for each week or part week above 30 weeks and 3 days. Students attending their courses for 45 weeks or more in the academic year qualify for the same amount of long courses loan as students attending for 52 weeks.
- 7.49 This instrument amends the Student Support Regulations to increase the maximum long courses loan by forecast inflation (2.9%) for new and continuing full-time undergraduate students in 2020/21. For students living away from home and studying outside London, the maximum long courses loan will be £99 a week; for students living away from home and studying in London, £127 a week; for students living in the parental home £65 a week and for students studying overseas as part of a UK course, £137 a week.
- 7.50 Full-time undergraduate students undertaking a work placement year of a sandwich course do not qualify for the full living costs support package unless they are undertaking an unpaid placement in the public sector, as defined in the Student Support Regulations. Instead, most students undertaking work placement years qualify for a reduced rate, non-income assessed loan for living costs.
- 7.51 This instrument amends the Student Support Regulations to increase the maximum reduced rate loan for living costs for full-time undergraduate students undertaking a work placement year by forecast inflation (2.9%) in 2020/21. For students living away from home and studying outside London, the maximum reduced rate of loan for living costs will be £2,788, for students living away from home and studying in London, £3,914 and for students living in the parental home, £2,090. Students studying overseas as part of a UK course, qualify for the reduced rate of loan that applies to students living away from home and studying outside London.
- 7.52 Full-time undergraduate students undertaking a year of a course that is defined as a bursary year in the Student Support Regulations (e.g. most undergraduate pre-registration nursing and allied health professions courses starting before 1 August 2017 and years of courses in medicine and dentistry that attract an NHS bursary) are eligible to apply for bursary support from the NHS Business Services Authority. These students do not qualify for the full living costs package under the Student Support Regulations. Instead, they qualify for a reduced rate, non-income assessed loan for living costs.

- 7.53 This instrument amends the Student Support Regulations to increase the maximum reduced rate loan for living costs for full-time undergraduate students undertaking a bursary year by forecast inflation (2.9%) in 2020/21. For students living away from home and studying outside London, the maximum reduced rate of loan for living costs will be £2,458, for students living away from home and studying in London, £3,451 and for students living in the parental home, £1,845. Students studying overseas as part of a UK course, qualify for the reduced rate of loan that applies to students living away from home and studying outside London.

Changes to grants for full-time undergraduate students with dependants in 2020/21.

- 7.54 This instrument also amends the Student Support Regulations to increase maximum dependants' grants for full-time undergraduate students by forecast inflation (2.9%) in 2020/21. The maximum adult dependants' grant will be £3,094 and the maximum parents' learning allowance, £1,766 in 2020/21. The amount of childcare grant payable in 2020/21 will be based on 85% of actual childcare costs, subject to maximum grants of £174.22 a week for one child only or £298.69 a week for two or more children.

Changes to grants for full-time and part-time undergraduate students and postgraduate students with disabilities in 2020/21.

- 7.55 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' allowances which are non-income assessed grants. Different rates of disabled students' allowances apply for full-time and part-time undergraduate students and postgraduate students. This instrument amends the Student Support Regulations to increase maximum disabled students' allowances for full-time and part-time undergraduate students and postgraduate students by forecast inflation (2.9%) in 2020/21.
- 7.56 Maximum disabled students' allowances for full-time undergraduate students in 2020/21 will be £23,258 for a non-medical helper, £5,849 for major items of specialist equipment (for all academic years of a course) and £1,954 for other disability related expenditure. Maximum disabled students' allowances for part-time undergraduate students in 2020/21 will be £17,443 for a non-medical helper, £5,849 for major items of specialist equipment (for all academic years of a course) and £1,465 for other disability related expenditure.
- 7.57 The maximum disabled students' allowance for postgraduate students in 2020/21 will be £20,580.

Changes to grants for part-time undergraduate students who started their courses before 1 September 2012.

- 7.58 Part-time undergraduate students who started their courses before 1 September 2012, qualify for income assessed fee grants and course grants. Different rates of fee grant apply depending on the intensity of study when compared to a full-time course. This instrument amends the Student Support Regulations to increase maximum fee grants and course grants by forecast inflation (2.9%) in 2020/21.

- 7.59 Maximum fee grants in 2020/21 for part-time undergraduate students who started their courses before 1 September 2012 will be £959, £1,150 or £1,442 depending on their intensity of study. The maximum course grant in 2020/21 will be £314.

Amendment to provide that support for postgraduate courses is for full courses only not 'top up' courses.

- 7.60 Support for postgraduate master's degree and doctoral degree courses is targeted at students undertaking full courses rather than those undertaking partial courses or 'top-up' courses. This is to ensure that the policy is affordable and that finance is targeted at those students with the greatest financial barriers. A full course is one which, independent of any module, credit, credit points or other unit of work taken or awarded in respect of another course or the student's previous experience, leads to a master's or doctoral degree.
- 7.61 This instrument amends the Master's Regulations and the Doctoral Regulations so that students will only qualify for the postgraduate master's degree loan, or doctoral degree loan, if they are studying a full course. Students who transfer from one course to another and are excused from undertaking part of the course to which they have transferred may also qualify for funding provided that the Secretary of State considers it reasonable in the circumstances that the student has been so excused. This change applies from the date this instrument comes into force.

Ensuring students in receipt of a social work bursary are not eligible for postgraduate loans.

- 7.62 The NHS provide bursaries for a limited number of places on postgraduate social work degrees each year. Social work students who have not been allocated a bursary place will not be eligible to receive any of the bursary except a fixed contribution towards their placement travel expenses through a "placement travel allowance". To avoid double-funding, when postgraduate loans were introduced it was agreed that that only those students in receipt a social work bursary would be excluded from access the loan (other than travel expenses).
- 7.63 The Master's Regulations, Doctoral Regulations and Student Support Regulations currently stipulate that a student is not eligible for support if they are eligible to apply for a social work bursary. This means that some students who are eligible to apply for social work bursary support but have not been allocated a bursary place, are excluded from applying for postgraduate master's degree loans, postgraduate doctoral degree loans or the postgraduate disabled students' allowance, leaving this group of students without support for their courses.
- 7.64 This instrument amends the Master's Regulations, the Doctoral Regulations and the Student Support Regulations so that only students in receipt of a social work bursary (other than for travel expenses only) are excluded from applying for a postgraduate master's degree loan, a postgraduate doctoral degree loan or the postgraduate disabled students' allowance. This change applies from the date this instrument comes into force.

Ensuring students who have previously received a grant from the Welsh Government are not eligible for a postgraduate master's degree loan.

- 7.65 Welsh domiciled students starting a full-time or part-time Postgraduate Master's course from 1 August 2019 onwards, can apply for funding of up to £17,000 as a combination of grant and loan.
- 7.66 The Master's Regulations already stipulate that a person is not eligible for a Master's loan if they have previously received a loan that was paid out of funds provided by a government authority within the United Kingdom. This is in line with master's loan policy to ensure value for money by avoiding duplicative government funding.
- 7.67 This instrument makes a further amendment to the Master's Regulations to prohibit students who have previously received a grant from the Welsh Government from qualifying for a postgraduate master's loan in England.
- 7.68 This change will apply to new students starting postgraduate master's degree courses in the 2020/21 academic year from 1 August 2020 onwards.

Amendment to provide that support for repeat study is not available for postgraduate Master's degree courses.

- 7.69 Loans for postgraduate study are a fixed maximum amount for the entire course determined by the loan rate available when the student begins studying. No student qualifies for more than the maximum amount unless they have a compelling personal reason for repeating their course. Repeat study, including that required after a student transfers courses, is not funded unless the student has failed to complete a previous course, for which a previous postgraduate loan was awarded, due to a compelling personal reason.
- 7.70 This instrument amends the Master's Regulations to provide that students do not qualify for postgraduate master's degree loans for repeated modules or similar units of work. This amendment aligns drafting in the Master's Regulations with that in the Doctoral Regulations for which the same policy applies. This change applies from the date this instrument comes into force.

Ensuring students in receipt of a bursary through the Educational Psychology Funded Training scheme are not eligible for postgraduate doctoral degree loans.

- 7.71 Some students studying on specified educational psychology doctoral degrees receive a bursary through the Education Psychology Funded Training (EPFT) scheme from the Department for Education. The bursary is paid for fees for all three years of the course and living costs support for the first year of the course.
- 7.72 This instrument amends the Doctoral Regulations so that students in receipt of an EPFT bursary are not eligible for a doctoral degree loan. This is in line with the Department's policy on not paying doctoral degree loans to students who are in receipt of allowances bursaries and awards in respect of their doctoral degree course. This change applies in respect to new students starting doctoral degree courses in the 2020/21 academic year from 1 August 2020 onwards.

Changes to loans for students starting postgraduate master's degrees in 2020/21.

- 7.73 The maximum loan for students starting postgraduate master's degrees on or after 1 August 2020 will be increased by forecast inflation (2.9%) in 2020/21. This

instrument amends the Masters Regulations to increase the maximum postgraduate master's loan to £11,222.

Changes to loans for students starting postgraduate doctoral degrees in 2020/21.

- 7.74 The maximum loan for students starting postgraduate doctoral degrees on or after 1 August 2020 will be increased by forecast inflation (2.9%) in 2020/21. This instrument amends the Doctoral Regulations to increase the maximum postgraduate master's loan to £26,445. It also increases the maximum postgraduate doctoral loan that can be paid for any one academic year to £11,222.

Correction to ensure a student's eligibility for support at the European University Institute in Florence is determined on the 1st February in the calendar year preceding the start of the first academic year of a course.

- 7.75 Students' eligibility for support under the European University Institute Regulations is determined on the 1st February in the calendar year before the start of the first academic year of the student's course. This is known as 'the relevant date' and allows eligibility for support to be established before interviews take place for designated postgraduate courses at the European University Institute in Florence.
- 7.76 This instrument corrects a drafting error in the European University Institute Regulations so that eligibility for student support for unaccompanied asylum seeking children relocated to the UK under the terms of Section 67 of the Immigration Act ('Dubs Children') is determined on the relevant date rather than the first day of the first academic year of the course. This change will apply from the date that this instrument comes into force.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 The Department is currently considering the feasibility of consolidating the relevant legislation for the academic year starting in August 2021.

10. Consultation outcome

- 10.1 There is no statutory requirement to consult on these amendment regulations. However, as part of a quality review process in Autumn 2018, the draft amendment regulations were sent to stakeholders in the higher education sector such as the Student Loans Company and Office for Students to check that the amendment regulations meet their understanding of policy intent.

11. Guidance

- 11.1 The Universities Minister, Chris Skidmore, announced student finance arrangements for the 2020/21 academic year in a Written Ministerial Statement to Parliament on 23 July 2019.
- 11.2 Information setting out these changes is being made available to universities, colleges and other higher education stakeholders on Student Finance England's (SFE) practitioners' website. Further information on changes to student support and

accelerated courses for 2020/21 will be published for students on .GOV.UK and SFE websites before 1 August 2020.

- 11.3 Guidance materials are being produced by SFE for students intending to apply for financial support.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 The impact on the public sector is minimal.
- 12.3 The SI is not accompanied by an Impact Assessment.
- 12.4 An Equality Analysis (EA)¹ covering changes to student support for 2020/21 is being published on the .GOV.UK website in January 2020 after these regulations have been laid.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 We will be monitoring the impact on stakeholders of the introduction of higher maximum fees for accelerated courses along with the impact of the student finance system in general, which is currently being considered by the Government's ongoing Review of Post-18 Education and Funding.
- 14.2 We will also be monitoring the number of students who receive fee loans and grants and loans for living costs. This information is published in the Student Loans Company's Statistical First Releases.

15. Contact

- 15.1 Mark Williams at the Department for Education telephone: 07391 018340 or email: mark.williams@education.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Paul Williams, Deputy Director Student Funding Policy, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Chris Skidmore, Minister of State for Universities, Science, Research and Innovation at the Department for Education and the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.

¹ A hard copy of this EA is available from Linda Brennan at the Department for Education: Tel: 07391 018296
Email: Linda.Brennan@education.gov.uk