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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

**The Education (Student Support) (Wales) Regulations 2018**

**PART 11**

**GRANTS FOR DEPENDANTS**

**CHAPTER 1**

**INTRODUCTION**

**Grants for dependants**

**68.**—(1) The following are grants made available by the Welsh Ministers to an eligible student in respect of costs associated with certain dependants of the student for an academic year—

- (a) an adult dependants grant (see Chapter 2);
- (b) a parents' learning grant (see Chapter 3);
- (c) a childcare grant (see Chapter 4).

(2) In these Regulations, those grants are collectively referred to as “grants for dependants” (“GfDs”).

**Qualifying conditions for grants for dependants**

**69.**—(1) An eligible student qualifies for any particular GfD in respect of an academic year of the present course if the student—

- (a) satisfies the qualifying conditions for that grant,
- (b) does not fall within any of the exceptions in paragraph (2), and
- (c) if the student's present course is a part-time course, the intensity of study of the academic year is at least 50%.

(2) The exceptions are— *Exception 1* The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the student enters or is released from prison in the academic year in question.

*Exception 2* The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule. *Exception 3* The academic year is a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

*Exception 4* The eligible student is undertaking an academic year of an accelerated graduate entry course, other than the first year of the course. *Exception 5* The present course is a distance learning course. *Exception 6* The eligible student is undertaking an academic year of a sandwich course

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during which the periods of full-time study are in aggregate less than 10 weeks (unless it is a year to which Regulation 44(2) applies). *Exception 7* The person in respect of whom the eligible student is applying—

- (a) is an eligible student, and
- (b) is in receipt of a statutory award.

### **Interpretation of this Part**

**70.**—(1) In this Part—

“adult dependant” (“*oedolyn dibynnol*”) means an adult person—

- (a) who is wholly or mainly financially dependent on the eligible student, or
- (b) who is wholly or mainly financially dependent on both the eligible student and the eligible student's partner together,

but not the eligible student's child, the eligible student's partner (including a partner from whom the eligible student is separated) or the eligible student's former partner;

“current academic year” (“*blwyddyn academiadd gyfredol*”) means the academic year of the present course in respect of which the eligible student is applying for a GfD;

“dependent child” (“*plentyn dibynnol*”) means a child—

- (a) who is wholly or mainly financially dependent on the eligible student, or
- (b) who is wholly or mainly financially dependent on both the eligible student and the eligible student's partner together,

including a child of the eligible student's partner and a child for whom the eligible student has parental responsibility;

“lone parent” (“*rhiant unigol*”) means a person who—

- (a) is a parent of a dependent child, and
- (b) does not have a partner.

(2) In this Part, any reference to a person's (“A's”) partner means—

- (a) A's spouse or civil partner, or
- (b) a person ordinarily living with A as if the person were A's spouse or civil partner.

(3) Any reference in this Part to a person's or persons' income is a reference to that income as calculated in accordance with the appropriate provisions of Schedule 3.

## **CHAPTER 2**

### **ADULT DEPENDANTS GRANT**

#### **Adult dependants grant**

**71.**—(1) An eligible student qualifies for an adult dependants grant in respect of only one of the following persons—

- (a) the student's partner;
- (b) an adult dependant of the student.

(2) But an eligible student does not qualify for an adult dependants grant if one of the following exceptions applies— *Exception 1* Where the eligible student is applying in respect of an adult dependant (“A”)—

- (a) A's net income for the current academic year exceeds £3,923, or

(b) A is—

- (i) the spouse or civil partner of the eligible student's partner (including a spouse or civil partner from whom the student's partner is separated), or
- (ii) the former partner of the eligible student's partner.

*Exception 2* Where the eligible student is applying in respect of the student's partner “(P)”—

- (a) the eligible student is, in the opinion of the Welsh Ministers, separated from P, or
- (b) P is ordinarily living outside the United Kingdom and is not maintained by the eligible student.

### Maximum amount of adult dependants grant

**72.**—(1) In Table 11, Column 2 sets out the maximum amount of adult dependants grant payable in respect of an academic year in the corresponding entry in Column 1.

(2) But where the person in respect of whom the eligible student is applying is ordinarily resident outside the United Kingdom, the amount of adult dependants grant payable is an amount, not exceeding the maximum amount, which the Welsh Ministers consider reasonable in the circumstances.

**Table 11**

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of adult dependants grant</i>
[ <sup>F1</sup> Beginning on or after 1 September 2020]	[ <sup>F2</sup> £3,094]

#### Textual Amendments

- F1** Words in reg. 72 Table 11 substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Finance\) \(Amounts\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2020 \(S.I. 2020/153\)](#), **reg. 26(a)**
- F2** Sum in reg. 72 Table 11 substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Finance\) \(Amounts\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2020 \(S.I. 2020/153\)](#), **reg. 26(b)**

## CHAPTER 3

### PARENTS' LEARNING GRANT

#### Parents' learning grant

**73.** —An eligible student qualifies for a parents' learning grant if the eligible student has one or more dependent children.

#### Maximum amount of parents' learning grant

**74.** In Table 12, Column 2 sets out the maximum amount of parents' learning grant payable in respect of an academic year in the corresponding entry in Column 1.

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**Table 12**

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of parents' learning grant</i>
[ <sup>F3</sup> Beginning on or after 1 September 2020]	[ <sup>F4</sup> £1,766]

**Textual Amendments**

**F3** Words in reg. 74 Table 12 substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Finance\) \(Amounts\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2020 \(S.I. 2020/153\)](#), [reg. 27\(a\)](#)

**F4** Sum in reg. 74 Table 12 substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Finance\) \(Amounts\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2020 \(S.I. 2020/153\)](#), [reg. 27\(b\)](#)

## CHAPTER 4

### CHILDCARE GRANT

#### Childcare grant

**75.**—(1) An eligible student qualifies for a childcare grant in respect of prescribed childcare charges for a dependent child incurred during the current academic year if one of the following conditions are satisfied— *Condition 1* The dependent child is under the age of 15 immediately before the beginning of the academic year. *Condition 2* The dependent child has special educational needs within the meaning of section 312 of the Education Act 1996 <sup>M1</sup> and is under the age of 17 immediately before the beginning of the first day of the academic year.

(2) But the eligible student does not qualify for a childcare grant in any of the following cases— *Case 1* The eligible student or the eligible student's partner has elected to receive the childcare element of the working tax credit under Part 1 of the Tax Credits Act 2002 <sup>M2</sup>. *Case 2* The eligible student or the eligible student's partner is entitled to an award of universal credit which includes an amount in respect of childcare costs under regulation 31 of the Universal Credit Regulations 2013 (child care costs element) <sup>M3</sup>. *Case 3* The eligible student's partner has elected to receive financial support for childcare under a healthcare bursary. *Case 4* The prescribed childcare charges are for a period in respect of which the eligible student or the eligible student's partner has made a valid declaration of eligibility within the meaning given by section 4 of the Childcare Payments Act 2014 <sup>M4</sup>. *Case 5* The prescribed childcare charges are paid or to be paid by the eligible student to the student's partner. *Case 6* The prescribed childcare charges are in respect of any period between the end of the course and the end of the academic year in which the course ends.

(3) In this regulation and regulation 76—

“dependent child” (“*plentyn dibynnol*”) includes a dependent child born after the beginning of the academic year;

“prescribed childcare charges” (“*ffioedd gofal plant rhagnodedig*”) means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002 <sup>M5</sup>.

#### Marginal Citations

**M1** 1996 c. 56; section 312 was amended by the [Education Act 1997 \(c. 44\)](#), [Schedule 7](#), paragraph 23 and Schedule 8, the [Schools Standards and Framework Act 1998 \(c. 31\)](#), section 140, [Schedule 30](#),

paragraph 71 and Schedule 31, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 59 and Schedule 2, the Children and Families Act 2014 (c. 6), Schedule 3 and S.I. 2010/1158.

**M2** 2002 c. 21

**M3** S.I. 2013/376

**M4** 2014 c. 28.

**M5** Regulation 14 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005) as amended prescribes the childcare charges.

### Maximum amount of childcare grant

76.—(1) The amount of childcare grant payable is 85% of the eligible student's weekly prescribed childcare charges, up to the maximum weekly amount—

- (a) specified in Table 13, or
  - (b) where paragraph (4) applies, specified in that paragraph.
- (2) In Table 13—
- (a) Column 1 specifies the academic year in relation to which the maximum weekly amount of childcare grant in Column 3 is payable;
  - (b) Column 2 specifies the number of dependent children to which the amounts specified in Column 3 relate;
  - (c) Column 3 specifies the maximum weekly amount of childcare grant payable in respect of the corresponding entries in Columns 1 and 2, where the application for a childcare grant identifies a childcare provider.

**Table 13**

<i>Column 1 Academic year</i>	<i>Column 2 Number of child dependants</i>	<i>Column 3 Maximum weekly amount</i>
[ <sup>F5</sup> Beginning on or after 1 September 2020]	One dependent child	[ <sup>F6</sup> £174.22]
	More than one dependent child	[ <sup>F7</sup> £298.69]

(3) Where the eligible student has more than one dependent child, the amount specified in the appropriate entry in Column 3 is the maximum weekly amount payable, irrespective of the number of children receiving childcare.

(4) Where the eligible student's application for childcare grant does not identify the childcare provider, the Welsh Ministers may limit—

- (a) the amount of childcare grant paid to the student to 85% of the prescribed childcare charges up to a maximum weekly amount of [<sup>F8</sup>£134.70];
- (b) the payment of the childcare grant to one quarter of the academic year.

(5) For the purposes of calculating an amount of childcare grant, a week runs from Monday to Sunday.

(6) Where prescribed childcare charges are incurred in respect of a week that falls partly within and partly outside the academic year in respect of which childcare grant is payable, the maximum weekly amount is calculated by applying the following formula—

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$$\frac{A \times B}{7}$$

Where—

A is the applicable maximum weekly amount, and

B is the number of days of the week falling within the academic year.

#### Textual Amendments

- F5** Words in reg. 76 Table 13 substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Finance\) \(Amounts\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2020 \(S.I. 2020/153\)](#), **reg. 28(a)(i)**
- F6** Sum in reg. 76 Table 13 substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Finance\) \(Amounts\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2020 \(S.I. 2020/153\)](#), **reg. 28(a)(ii)(aa)**
- F7** Sum in reg. 76 Table 13 substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Finance\) \(Amounts\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2020 \(S.I. 2020/153\)](#), **reg. 28(a)(ii)(bb)**
- F8** Sum in reg. 76(4)(a) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Finance\) \(Amounts\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2020 \(S.I. 2020/153\)](#), **reg. 28(b)**

## CHAPTER 5

### AMOUNT OF GRANT FOR DEPENDANTS PAYABLE

#### Grants for dependants: calculating the amount payable

**77.—(1)** The amount of GfD payable to an eligible student in respect of an academic year is calculated by applying the following steps— Step 1 Aggregate—

- (a) the eligible student's household income calculated under Part 2 of Schedule 3,
- (b) if not already taken into account as part of the eligible student's household income, the residual income of the eligible student's adult dependant for the applicable financial year calculated under Chapter 2 of Part 4 of Schedule 3, and
- (c) the net income of the eligible student's dependent children for the applicable financial year calculated under Part 5 of Schedule 3.

Step 2 Deduct the following amounts from the aggregated total calculated under Step 1—

- (a) £6,159, where the eligible student has no dependent children;
- (b) £8,473, where the eligible student is not a lone parent and has one dependent child;
- (c) £9,632, where the eligible student—
  - (i) is not a lone parent and has more than one dependent child, or
  - (ii) is a lone parent and has one dependent child;
- (d) £10,797, where the eligible student is a lone parent and has more than one dependent child.

The result is the net total. Step 3 Add up the maximum amounts of each GfD for which the eligible student qualifies. The result is the aggregated maximums. Step 4

- (a) If the net total under Step 2 is nil or a negative amount, the amount payable is—

- (i) where the present course is a full-time course, the aggregated maximums arrived at under Step 3;
  - (ii) where the present course is a part-time course, the aggregated maximums arrived at under Step 3 reduced in accordance with paragraph (2).
  - (b) If the net total under Step 2 is equal to or exceeds the aggregated maximums arrived at under Step 3, the amount payable is nil.
  - (c) If the net total under Step 2 is a positive amount which is less than the aggregated maximums arrived at under Step 3, deduct the net total from the aggregated maximums so as to reduce the amount of GfDs payable in the following order until the net total is extinguished—
    - (i) first deduct the maximum amount of adult dependants grant for which the eligible student qualifies;
    - (ii) then deduct the maximum amount of childcare grant for which the student qualifies;
    - (iii) finally deduct the maximum amount of parents' learning grant for which the student qualifies.
  - (d) Where sub-paragraph (c) of this Step applies, the amount remaining after that reduction is—
    - (i) the amount payable where the present course is a full-time course;
    - (ii) the amount to be reduced in accordance with paragraph (2) where the present course is a part-time course.
- (2) If the eligible student's present course is a part-time course, the amount of GfD payable is the amount referred to in paragraph (a)(ii) or (d)(ii) of Step 4 of paragraph (1) multiplied by—
- (a) 50%, where the intensity of study for the current academic year is at least 50% but less than 60%;
  - (b) 60%, where the intensity of study for the current academic year is at least 60% but less than 75%;
  - (c) 75%, where the intensity of study for the current academic year is 75% or more.
- (3) Where the amount of GfD payable as a result of Step 4 of paragraph (1) or, as the case may be, paragraph (2), is an amount of parents' learning grant which is more than £0.01 but less than £50, the amount payable is £50.
- (4) This regulation is subject to regulations 78 and 79.

**Amount of adult dependants grant and childcare grant: eligible student's partner is an eligible student**

**78.** Where, as a result of Step 4 of paragraph (1) of regulation 77 or, as the case may be, paragraph (2) of that regulation, an amount of adult dependants grant and childcare grant is payable to an eligible student, that amount is reduced by one half where—

- (a) the eligible student's partner—
  - (i) is an eligible student, or
  - (ii) is in receipt of a statutory award, and
- (b) the amount of support payable to the partner—
  - (i) by virtue of the partner being an eligible student, or
  - (ii) under the statutory awardtakes account of the partner's dependants.

### Changes in circumstances

79.—(1) This regulation applies where, in the course of the academic year, any of the following occurs—

- (a) there is a change in the number of the eligible student's dependants;
- (b) the student becomes or ceases to be a lone parent;
- (c) the student becomes an eligible student as a result of an event referred to in regulation 81(3).

(2) For the purposes of determining whether an adult dependants grant or parents' learning grant is payable and the amount payable, the Welsh Ministers must determine the following in relation to each relevant quarter—

- (a) how many dependants the eligible student is to be treated as having;
- (b) whether the student is to be treated as a lone parent.

(3) The total amount of GfD payable for the academic year is—

- (a) the aggregate of the amounts of adult dependants grant and parents' learning grant calculated in respect of each relevant quarter under this regulation, plus
- (b) the amount of any childcare grant payable for the academic year.

(4) The amount of adult dependants grant and parents' learning grant payable in respect of a relevant quarter is one third of the amount of that grant which would be payable for the academic year as determined under regulation 77 if the student's circumstances in the relevant quarter had been the same throughout the whole of the academic year.

(5) In this regulation a “relevant quarter” means—

- (a) in the case of an eligible student referred to in paragraph (1)(c), a quarter which begins immediately after the relevant event occurs other than a quarter during which the longest of any vacation occurs;
- (b) otherwise, a quarter other than the quarter during which the longest of any vacation occurs.



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