

## EXPLANATORY MEMORANDUM TO

### EDUCATION (STUDENT SUPPORT) (No.2) REGULATIONS (NORTHERN IRELAND) 2009 (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2012

#### SR 2012 No. 62

#### 1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Employment and Learning (“the Department”) to accompany SR 2012 No. 62 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 on 21 March 2012.

#### 2. Purpose

This rule provides for support for students taking designated higher education courses in respect of the academic year beginning on or after 1 September 2012 and make 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 2012/13 academic year for full-time students;
- b. freeze grants and loans for living costs at academic year 2011/12 rates for full-time students and freeze grants for fees, course grants and disabled students’ allowances for part-time and full-time distance learning students;
- c. freeze disabled students’ allowances for postgraduate students; and
- d. introduce minor policy and technical changes required to tighten up existing policy.

#### 3. Background

The rule makes provision for support available in relation to an academic year beginning on or after 1st September 2012 and amends some of the provisions in the 2009 Regulations.

The policy changes effected by this rule are;

##### **3.1 Revised Attendance Confirmation Procedures for Full-time Students taking out Tuition Loans**

From 2012/13 tuition charge payments will be made by Student Loans Company (SLC) to Higher Education Institutions three times a year. Each payment will be triggered by a student Census and Attendance Confirmation Report prepared by the HEI and sent to the SLC via the Student Information Service (SIS) at the start of each term. The single point of liability for tuition charges which is currently reached after three months and normally triggered on 1 December will be replaced by three points of liability at the start of each term.

The SLC will be liable to pay the termly tuition charge to the HEI (and debit the student's loan account with the same amount) once the student's attendance for that term has been confirmed. The profile of the tuition charge payments will be split 25%/25%/50% over the three terms. Once the liability point has been reached, the student will be obliged to repay that money.

### **3.2 To allow overpayments of tuition loan to be recovered from students**

Currently, the Regulations only permit an overpayment of tuition loan to be recovered from HEIs. This provision is extended from 2012/13 to allow the Department to recover loans from a former student directly where the HEI cannot be involved in the recovery process. The agreed changes will reduce the number of cases where overpayments of tuition loans have to be written off because they cannot be recovered from the HEI or it is not appropriate to recover from them.

### **3.3 Removing References relating to Support for Dance and Drama Courses**

A minor change is being made to the Regulations to remove references to the Education (Student Support) (Dance and Drama) Regulations (D&D Regulations). These were introduced in 1998 to provide grants for fees and maintenance and loans for maintenance for eligible students attending specified dance and drama courses for the duration of their course. Dance and drama students starting their courses since 2004 have been eligible to apply for student support under the Student Support Regulations and there are now no longer any students receiving support under the D&D Regulations, which are revoked.

### **3.4 Extending Application for Student Support Deadline for Part-time and Full-time Distance Learning Students**

This technical amendment is to allow for extending the deadline for applications for student support for part-time and full-time distance learning students from six months to nine months which is consistent with the existing deadline for full-time applications for student support.

### **3.5 Technical amendment to ensure that the term "parent" is restricted to those with a legal status of parent.**

The definition of "parent" in Schedule 2 of the Regulations is amended to remove the reference to "any person having care of a child". "Parent" will be defined to mean a legal guardian and any other person having parental responsibility only and will no longer include other persons having care of a child.

### **3.6 Tuition fee loan for validated only courses.**

From 2012/13 the maximum tuition fee loan for Northern Ireland domiciled students who wish to study a full-time course which has been specifically designated at private institutions in Northern Ireland or the rest of the United Kingdom, and which are “validated only” is being increased from £3,375 to £3,465. This figure is in line with the maximum tuition fee loan for Northern Ireland domiciled students who wish to study a full-time course at a publicly funded HEI in Northern Ireland.

#### **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 preliminary Equality Impact Assessment has not been carried out and it is the Department’s view that the proposals do not have an adverse impact on 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 policy changes have been costed and funding secured through the Department’s current student finance budget provision.

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

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**

The Rule maintains a degree of parity with England and Wales insofar as the maximum basic and higher fee levels in Northern Ireland for academic year 2012/13 will be the same as those maximum fee levels that can be charged to students resident in the United Kingdom who commenced their qualifying course in England and Wales before academic year 2012/13.

#### **11. Additional Information**

Not applicable.

**12. Contact**

John Neill at the Department for Employment and Learning, Tel: 028 90 257712 or email: [john.neill@delni.gov.uk](mailto:john.neill@delni.gov.uk) can answer any queries regarding this Rule.