

EXPLANATORY MEMORANDUM TO

EDUCATION (STUDENT SUPPORT) (AMENDMENT) (No. 2) REGULATIONS (NORTHERN IRELAND) 2017

S.R. No. 43

1. Introduction

- 1.1 This Explanatory memorandum has been prepared by the Department for the Economy (“the Department”) to accompany S.R. 2017 No. 43 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 2017 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 2017/18 academic year for full-time students;
- b. maintain grants and loans for living costs for academic year 2017/18 at 2016/17 levels 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. maintain disabled students’ allowances for postgraduate students for academic year 2017/18 at 2016/17 levels; 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 2017 and amends some of the provisions in the 2009 Regulations.

The policy and technical changes effected by this rule are:

3.1 Fee loans for NI students in Scotland on Erasmus (European Region Action Scheme for the Mobility of University Students) years

Currently, students undertaking full-time higher education courses at higher education institutions in Scotland who take an Erasmus study year or Erasmus work placement abroad, are entitled to a fee waiver. The 2009 Regulations currently provide that this group of students are therefore not entitled to apply for fee loans.

From 2017/18, the Scottish Government will permit Scottish Universities to charge students up to 15% of the maximum fee cap that applies to students studying in Scotland in 2017/18.

These Regulations amend the 2009 Regulations to allow any Northern Ireland students affected by this change to apply for a fee loan of up to £1,385 to cover these costs.

3.2 EU Currency conversion into Pounds Sterling

Where a student's parents receive taxable income in the currency of another EU Member State, the Regulations provide that it is converted into Pounds Sterling using the value of that income as published by the Office for National Statistics.

The Office for National Statistics no longer publishes conversion tables from EU currencies into Pounds Sterling, and the Student Loans Company is currently using HMRC Foreign Exchange Rate data.

These Regulations amend the 2009 Regulations to replace references to the Office for National Statistics with references to HMRC. Current Student Loans Company practices are already in line with this technical amendment.

3.3 Armed Forces Covenant

The 2009 Regulations currently require prospective students to be resident in the UK on the first day of a course in order to be eligible for student support. This 'first day' rule disadvantages Armed Forces personnel and their families who are posted abroad in that the rule sometimes prevents those who would like to study distance learning courses at UK universities from receiving student support as they cannot meet the eligibility criteria.

These Regulations will provide an exemption for Armed Forces personnel and their families posted abroad which would allow them to apply for, and receive, student support providing that they meet the other eligibility criteria in the Regulations.

3.4 Amendment to the list of higher education institutions in ROI within Schedule 6

Schedule 6 to the 2009 Regulations lists the relevant institutions of higher education in the Republic of Ireland for the purposes of student support eligibility. Students attending courses at institutions included on the list are eligible for student financial support. The reference to St. Patrick's College, Thurles has been removed on advice from colleagues in the Department of Education and Skills in the Republic of Ireland as it has been incorporated into Mary Immaculate College, Limerick (which is already on the list).

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 2017/18 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 the case.

11. Additional Information

The Department has, with the formal approval of the Minister for the Economy, made this Statutory Rule during dissolution of the Assembly under the “exceptional circumstances” procedure. Student Loans Company legal advice was that the Department must make the amending Regulations before students can apply for student support at the academic year 2017/18 levels. If the Department had waited to make these amending Regulations until incoming Ministers and Assembly Committees were appointed, there was a high risk that a significant proportion of students would not have their student support applications assessed and their student support in place before the start of the new academic year in September 2017. This was why the Department followed the “exceptional circumstances” procedure and made these Regulations during the unforeseen suspension of the Assembly due to the election.

12. Contact

Linda Meldrum at the Department for the Economy, Tel: 028 90 257424 or email: linda.meldrum@economy-ni.gov.uk can answer any queries regarding this Rule.