

EXPLANATORY MEMORANDUM TO
THE EDUCATION (STUDENT FEES, AWARDS AND SUPPORT ETC.)
(AMENDMENT) REGULATIONS 2019

2019 No. 142

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 amends the Education (Student Support) Regulations 2011 which prescribe the amount of support for tuition, living and other costs for students resident in England who choose to take designated undergraduate higher education courses at higher education providers in England and at institutions elsewhere in the UK.
- 2.2 This instrument also amends the Education (Postgraduate Master’s Degree Loans) Regulations 2016, the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 and the Education (Student Support) (European University Institute) Regulations 2010 which provide support for students taking designated postgraduate courses, as well as the Further Education Loans Regulations 2012 which provide support for students taking designated further education courses.
- 2.3 This instrument further amends the Education (Fees and Awards) (England) Regulations 2007 which determine that persons who do not have a specified connection with the UK can be charged higher fees than those who do and the Higher Education (Fee Limit Condition) (England) Regulations 2017 which set out the qualifying persons and qualifying courses to whom maximum fee limits for undergraduate courses apply.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The purpose of this instrument is, in part, to align the legislative framework pertaining to student finance with the new regulatory regime in England established by the Higher Education and Research Act 2017 (“the 2017 Act”). Under section 3 of the 2017 Act, a register of English higher education providers is established and maintained by the new regulator, the Office for Students (OfS). That register may be divided into such parts or categories of registration as the OfS may determine.
- 3.2 Numerous sets of regulations have been made under the 2017 Act, and some of them make reference to the register, or particular parts of it. One such example is the Higher Education (Fee Limit Condition) (England) Regulations 2017 (S.I. 2017/1189) (“the Fee Limit Condition Regulations”). In its eleventh report of session 2017 to 2019, the Committee reported that instrument on grounds that the register was referred to but was not yet in existence, and that no information was included to

indicate when and where it might be accessed. The register is now established and is published on the OfS website¹.

- 3.3 Further, in its thirtieth report of session 2017 to 2019 the Committee reported the Higher Education (Transparency Condition and Financial Support) (England) Regulations 2018 (S.I. 2018/1382). The grounds were that those regulations prescribed certain categories of higher education provider as subject to a transparency condition and as eligible for financial support by reference to the registration category in which they were registered by the OfS. As it is for the OfS to determine what categories of registration exist, and whether the requirements for registration in each category of the register are met, this, the Committee reported, amounted to sub-delegation which in its view was not clearly authorised by section 119(5)(d) of the 2017 Act.
- 3.4 This instrument also makes reference to the register, and parts of it, in the prescription of courses which are automatically designated for student support (regulations 4, 25, 31, 42 and 49) and of the amounts of fee loan support available (regulations 11 and 27). However, the Department notes that the relevant provisions in this instrument are made under section 22 of the Teaching and Higher Education Act 1998 (“the 1998 Act”) rather than the 2017 Act.
- 3.5 Section 22(2)(aa) of the 1998 Act is worded similarly, but not identically to section 119(5)(d) of the 2017 Act. This provision enables the designation of courses to be determined by reference to matters determined or published by the OfS. The Department’s view is that in the context of a specific provision relating to the designation of courses, this provides ample vires for the designation or non-designation of courses according to whether the provider of them is registered or not. The Department therefore remains of the opinion that both section 119(5)(d) of the 2017 Act and section 22(2)(aa) of the 1998 Act permit regulations which deal with certain conditions or benefits to prescribe higher education providers by reference to their registration status.
- 3.6 Section 22(2)(b) of the 1998 Act then provides that regulations may prescribe the maximum amount of any grant or loan payable, and section 22(2)(c) further allows regulations “enabling the determination” of the amount required or authorised to be paid, where that amount may vary according to a student’s circumstances. The Department’s view is that the registration status of the provider attended by a student forms part of that student’s circumstances, and that prescribing loan amounts by reference to that status is also permitted.
- 3.7 Finally, the Department notes that the Committee’s concerns in relation to S.I. 2018/1382 were available to Parliament and were raised during the House of Lords’ debate prior to those regulations receiving the approval of both Houses. That instrument is now in force.

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)

- 3.8 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.

¹ <https://www.officeforstudents.org.uk/advice-and-guidance/the-register/>

4. Extent and Territorial Application

4.1 The territorial 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 amends the Education (Student Support) Regulations 2011 (“the Student Support Regulations”) (S.I. 2011/1986). The Student Support Regulations are made under sections 22 and 42(6) of the 1998 Act, which provides for the Secretary of State to make regulations to provide financial support for students in Higher Education. Amendments to the Student Support Regulations are made annually by the Secretary of State to provide support to eligible students in connection with their undertaking designated higher education courses.

6.2 This instrument also amends the Education (Postgraduate Master’s Degree Loans) Regulations 2016 (“the Master’s Regulations”) (S.I. 2016/606). The 2016 Master’s Regulations are also made under sections 22 and 42(6) of the 1998 Act. Amendments to the Master’s Regulations are made by the Secretary of State to provide support to eligible students in connection with their undertaking designated postgraduate master’s degree courses.

6.3 This instrument amends the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (“the Doctoral Regulations”) (S.I. 2018/509). For the purposes of this instrument, the Doctoral Regulations are made under sections 22 and 42(6) of the 1998 Act. Amendments to the Doctoral Regulations are made by the Secretary of State to provide support to eligible students in connection with their undertaking designated postgraduate doctoral degree courses.

6.4 This instrument also amends the Education (Student Support) (European University Institute) Regulations 2010 (“the European Institute Regulations”) (S.I. 2010/447). The European Institute Regulations are made under sections 22, 42(6) and 43(1) of the 1998 Act and set out the financial support available for students taking designated postgraduate courses at the European University Institute in Florence, Italy.

6.5 This instrument also amends the Education (Fees and Awards) (England) Regulations 2007 (“the Fees and Awards Regulations”) (S.I. 2007/779). The Fees and Awards Regulations are made under sections 1 and 2 of the Education (Fees and Awards) Act 1983 and determine that persons who do not have a specified connection with the UK can be charged higher tuition fees than those who do.

6.6 This instrument amends the Higher Education (Fee Limit Condition) (England) Regulations 2017 (“the Fee Limit Condition Regulations”) (S.I. 2017/1189) which are made under sections 10(1), (4)(b) and (6) and 119(3) and 119(5) of the Higher Education and Research Act 2017 (“the 2017 Act”) and which prescribe the type of higher education provider, the qualifying (undergraduate) courses of higher education and the qualifying students which are subject to maximum fee limits.

- 6.7 This instrument amends the Further Education Loans Regulations 2012 (S.I. 2012/1818) (“The Further Education Regulations”) which are made under sections 22 and 42(6) of the 1998 Act. The Further Education Regulations provide support for students taking designated further education courses.
- 6.8 This instrument updates definitions and terminology in the Student Support Regulations to reflect the policy intent that courses provided by or on behalf of registered providers are automatically designated for support. Registered providers are English higher education providers included in the register established and maintained by the Office for Students (OfS) under section 3 of the 2017 Act.
- 6.9 This instrument also updates definitions and terminology in the Student Support Regulations so that higher fee loan limits apply to courses provided by or on behalf of providers registered in the Approved (Fee Cap) category of the OfS register (“approved (fee cap) providers”), lower fee loan limits apply to courses provided by or on behalf of providers registered in the Approved section of the OfS register (“approved providers”) and that specific fee loan limits apply to “accelerated courses” and to school centred initial teacher training courses, referred to in the instrument as unregistered providers which are institutions accredited under regulation 3 of the Education (Schoolteachers’ Qualifications) (England) Regulations 2003 (“accredited institutions”).
- 6.10 This instrument prescribes the fee loan rates applicable to an academic year commencing on or after 1st August 2019, save in connection with accelerated courses, where the prescribed fee loan amounts apply to a course which begins on or after 1st August 2019. This instrument also increases maximum loans for living costs for students attending full-time and part-time undergraduate courses in 2019/20.
- 6.11 This instrument introduces new means tests for new and continuing full-time students with dependants who are attending full-time undergraduate courses and who apply for one or more of three dependants’ grants, whilst also increasing the maximum level of dependants’ grants available. It increases maximum disabled students’ allowances for new and continuing full-time, part-time and postgraduate students with disabilities and it also increases maximum fee grants and course grants in 2019/20 for students who started part-time undergraduate courses before 1 September 2012.
- 6.12 This instrument amends the designation criteria for postgraduate master’s and doctoral degree courses to be designated for support, to align designation with registration with the OfS, and increases maximum loans in 2019/20 for students starting postgraduate master’s degree and doctoral degree courses from 1 August 2019 onwards.
- 6.13 This instrument also contains new provisions relating 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 (‘Dubs Children’) and revised provisions for students already holding an equivalent or higher level qualification who are undertaking a second course.

7. Policy background

Updating the Student Support Regulations for 2019/20 to reflect the 2017 Act.

- 7.1 The 2017 Act established the OfS as the regulator for English higher education providers. The OfS has replaced the Higher Education Funding Council for England (“HEFCE”) which formerly provided public funding to certain providers and

regulated them through conditions of grant funding. Section 3 of the Act requires the OfS to establish and maintain a register of English higher education providers, and allows the OfS to divide the register into such parts or categories as it may determine. The OfS has divided the register into two parts: Approved, and Approved (fee cap).

- 7.2 The policy intent is that courses provided by or on behalf of registered providers will be automatically designated for student support, but that different levels of fee loan will be available depending on their category of registration, whether they have an Access and Participation Plan (a plan approved under section 29 of the 2017 Act) and whether they have a high level quality rating conferred by the OfS under section 25 of the 2017 Act. Students undertaking designated undergraduate courses at providers registered in the Approved (fee cap) part of the Register (excluding new full-time accelerated courses) will be able to access up to the same maximum fee loan limits in 2019/20 that applied to HEFCE funded providers for the previous 2018/19 academic year to meet the full costs of their tuition.
- 7.3 Courses for the initial training of teachers provided by an accredited institution which is an unregistered provider will attract the same maximum fee loans in 2019/20 as courses offered by Approved (fee cap) providers. Students undertaking designated undergraduate courses at providers registered in the Approved part of the Register (excluding new full-time accelerated courses) will be able to access up to the lower fee loan limits in 2019/20 that applied to private providers for the previous 2018/19 academic year.
- 7.4 The Secretary of State will retain, unamended, the power specifically to designate courses for student support. Courses for the initial training of teachers provided by an accredited institution which is an unregistered provider will be specifically designated for support in 2019/20.

Introducing new rates of fee loan for students starting full-time undergraduate accelerated degree courses at Approved (Fee Cap) providers in 2019/20.

- 7.5 The Higher Education (Fee Limits for Accelerated Courses) (England) Regulations 2018 ('the Accelerated Courses Regulations') which were laid before Parliament on 29 November 2018 set higher maximum annual fee limits for the first time in respect of full-time accelerated courses starting on or after 1 August 2019 as enabled by paragraph 4(1) of Schedule 2 to the 2017 Act. An "accelerated course" means a higher education course where the number of academic years applicable to the course is at least one fewer than would normally be the case for that course or a course of equivalent content leading to the grant of the same or an equivalent academic award.
- 7.6 This instrument introduces corresponding fee loan limits for full-time accelerated courses offered by Approved (fee cap) providers starting on or after 1 August 2019. The maximum fee loan for accelerated degree courses starting on or after 1 August 2019 will be £11,100.
- 7.7 As with non-accelerated courses, lower fee loan limits apply to a sandwich work placement year of an accelerated course, where the periods of full-time study are less than 10 weeks, for an accelerated full-time course provided in conjunction with an overseas provider where the periods of study at the UK provider are less than 10 weeks, and for an Erasmus study or work placement year. An Erasmus year is an academic year of a course where a student is participating in the European Union programme, Erasmus+, for education, training, youth and sport.

- 7.8 For a sandwich work placement year of an accelerated course starting on or after 1 August 2019 where the periods of full-time study are less than 10 weeks, the maximum fee loan will be £2,220 in 2019/20, 20% of the maximum full-rate fee loan for an accelerated course.
- 7.9 For an overseas study year of an accelerated course starting on or after 1 August 2019 that is not an Erasmus year where the periods of full-time study at the UK provider are less than 10 weeks, the maximum fee loan will be £1,660 in 2019/20, 15% of the maximum full-rate fee loan for an accelerated course.
- 7.10 For an Erasmus year of an accelerated course starting on or after 1 August 2019, the maximum fee loan will be £1,660 in 2019/20, 15% of the maximum full-rate fee loan for an accelerated course.
- Introducing new rates of fee loan for students starting full-time undergraduate accelerated degree courses at Approved providers in 2019/20.***
- 7.11 For the 2019/20, academic year, Approved Providers, unlike Approved (Fee Cap) providers, are not subject to maximum fee limits and do not have to submit Access and Participation Plans to the OfS. Approved Providers offering accelerated courses starting on or after 1 August 2019 will be subject to lower fee loan limits than accelerated courses offered by Approved (fee cap) Providers.
- 7.12 The maximum fee loan for accelerated degree courses starting on or after 1 August 2019 will be £7,400 where the Approved Provider has a high level quality rating or £7,200 without a high level quality rating.
- 7.13 For a sandwich work placement year of an accelerated course starting on or after 1 August 2019 where the periods of full-time study are less than 10 weeks, the maximum fee loan will be £1,475 where the Approved Provider has a high level quality rating or £1,440 without a high level quality rating.
- 7.14 For an overseas study year of an accelerated course starting on or after 1 August 2019 that is not an Erasmus year where the periods of full-time study at the UK provider are less than 10 weeks, the maximum fee loan will be £1,105 where the Approved Provider has a high level quality rating or £1,080 without a high level quality rating.
- Changes to living costs support for 2016 cohort full-time students in 2019/20***
- 7.15 The maximum loan for living costs for new full-time students and continuing full-time students who started their courses on or after 1 August 2016, '2016 cohort students', will be increased by forecast inflation (2.8%) in 2019/20.
- 7.16 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 £8,944 in 2019/20; for students living away from home and studying in London, £11,672; for students living in the parental home, £7,529 and for students studying overseas as part of a UK course, £10,242.
- 7.17 Different rates of loan for living costs apply to full-time 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 £10,194 in 2019/20; for students living away from home and studying in London, £12,729; for students living in the parental home, £8,882 and for students studying overseas as part of a UK course, £11,401.

- 7.18 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 £3,783 in 2019/20.

Changes to living costs support for 2009 and 2012 cohort full-time students in 2019/20

- 7.19 The maximum loan for living costs for full-time 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 (2.8%) in 2019/20.
- 7.20 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 £6,411 in 2019/20; for students living away from home and studying in London, £8,946; for students living in the parental home, £5,099 and for students studying overseas as part of a UK course, £7,617.
- 7.21 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 (2.8%) to £3,694 in 2019/20.
- 7.22 The maximum loan for living costs for eligible full-time 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 (2.8%) in 2019/20.
- 7.23 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 £5,771 in 2019/20; for students living away from home and studying in London, £8,075; for students living in the parental home £4,474 and for students studying overseas as part of a UK course, £6,869.
- 7.24 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 (2.8%) to £3,391 in 2019/20.

Changes to elements of the living costs support package for new and continuing full-time students in 2019/20

- 7.25 Full-time 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.
- 7.26 This instrument amends the Student Support Regulations to increase the maximum long courses loan by forecast inflation (2.8%) for new and continuing students in 2019/20. For students living away from home and studying outside London, the maximum long courses loan will be £96 a week; for students living away from home and studying in London, £123 a week; for students living in the parental home £63 a week and for students studying overseas as part of a UK course, £133 a week.

- 7.27 Full-time 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.
- 7.28 This instrument amends the Student Support Regulations to increase the maximum reduced rate loan for living costs for full-time students undertaking a work placement year by forecast inflation (2.8%) in 2019/20. For students living away from home and studying outside London, the maximum reduced rate of loan for living costs will be £2,709, for students living away from home and studying in London, £3,804 and for students living in the parental home, £2,031. 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.
- 7.29 Full-time 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.
- 7.30 This instrument amends the Student Support Regulations to increase the maximum reduced rate loan for living costs for full-time students undertaking a bursary year by forecast inflation (2.8%) in 2019/20. For students living away from home and studying outside London, the maximum reduced rate of loan for living costs will be £2,389, for students living away from home and studying in London, £3,354 and for students living in the parental home, £1,793. 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.
- 7.31 These changes aim to maintain the real value of grants and loans for living costs for new and continuing full-time students in the 2019/20 academic year.
- Revised income assessment and increases for full-time dependants' grants***
- 7.32 For 2018/19, Childcare Grants (CCG) are paid to full-time students attending undergraduate courses as cash in advance and are based on estimates of childcare costs. This can lead to overpayments and carries a significant risk of fraud. From 2019/20, a new payment system will be introduced which will pay CCG to the childcare provider on proof of charges incurred. In order to implement this system, the current composite dependants' grants income assessment has been replaced with revised, separate but simpler income assessments for 2019/20.
- 7.33 This instrument amends the Student Support Regulations so that separate income assessments are carried out for means-tested CCG, Adult Dependants' Grant (ADG) and Parents' Learning Allowance (PLA) to calculate the income of adult and child dependants of a student when determining how much CCG, ADG and PLA support full-time students are entitled to.
- 7.34 This instrument also adds transitional provision that ensures that eligible students who received more ADG or PLA in 2018/19 than they are entitled to in 2019/20 under the new means-test, will instead qualify for the maximum ADG or PLA in 2019/20.

- 7.35 The new dependants' grant means-tests will apply to new and continuing full-time students in the 2019/20 academic year.
- 7.36 This instrument also amends the Student Support Regulations to increase maximum dependants' grants by forecast inflation (2.8%) in 2019/20. The maximum adult dependants' grant will be £3,007 and the maximum parents' learning allowance, £1,716 in 2019/20. The amount of childcare grant payable in 2019/20 will be based on 85% of actual childcare costs, subject to maximum grants of £169.31 a week for one child only or £290.27 a week for two or more children.

Changes to grants for full-time part-time and postgraduate students with disabilities in 2019/20

- 7.37 Full-time and part-time undergraduate 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 (DSAs) which are non-income assessed grants. Different rates of DSAs apply for full-time, part-time and postgraduate students. This instrument amends the Student Support Regulations to increase maximum DSAs for full-time and part-time undergraduate students by forecast inflation (2.8%) in 2019/20.
- 7.38 Maximum DSAs for full-time undergraduate students in 2019/20 will be £22,603 for a non-medical helper, £5,684 for major items of specialist equipment (for all academic years of a course) and £1,899 for other disability related expenditure. Maximum DSAs for part-time undergraduate students in 2019/20 will be £16,951 for a non-medical helper, £5,684 for major items of specialist equipment (for all academic years of a course) and £1,424 for other disability related expenditure.
- 7.39 Maximum DSAs for postgraduate students in 2019/20 will be increased from £10,993 in 2018/19 to £20,000 in 2019/20. This above inflation increase for 2019/20 will in particular help the most disabled postgraduate students with high support needs.

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

- 7.40 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 (2.8%) in 2019/20.
- 7.41 Maximum fee grants in 2019/20 for part-time students who started their courses before 1 September 2012 will be £932, £1,118 or £1,401 depending on their intensity of study. The maximum course grant in 2019/20 will be £305.

Changes to loans for students starting postgraduate master's degrees in 2019/20

- 7.42 The maximum loan for students starting postgraduate master's degrees on or after 1 August 2019 will be increased by forecast inflation (2.8%) in 2019/20. This instrument amends the Masters Regulations to increase the maximum postgraduate master's loan to £10,906.

Changes to loans for students starting postgraduate doctoral degrees in 2019/20

- 7.43 The maximum loan for students starting postgraduate doctoral degrees on or after 1 August 2019 will be increased by forecast inflation (2.8%) in 2019/20. This instrument amends the Doctoral Regulations to increase the maximum postgraduate

master's loan to £25,700. It also increases the maximum postgraduate doctoral loan that can be paid for any one academic year to £10,906

Introducing a new Eligibility Category in Regulations for children transferred to the UK under Section 67 of the Immigration Act 2016.

- 7.44 In June 2018 the Home Office introduced a new category of limited leave to enter and remain in the UK for unaccompanied asylum seeking children relocated to the UK under the terms of Section 67 of the Immigration Act 2016 ('Dubs Children') who do not qualify for leave under the current Immigration Rules as refugees or other protection-based leave. This new category of leave also extends to dependent children of Dubs Children.
- 7.45 Individuals who qualify for leave under Section 67 of the Immigration Act 2016 and their dependent children will have the right to study, work, access public funds (claim benefits and housing support) and healthcare, and apply for indefinite leave to remain without paying a fee after five years. A new eligibility category is being added to Schedule 1 to the Student Support Regulations for the 2019/20 academic year so that Dubs Children and their dependent children qualify for student support and home fee status.
- 7.46 This instrument also amends the Masters Regulations and Doctoral Regulations to allow Dubs Children and their dependent children to qualify for postgraduate master's loans and postgraduate doctoral degree loans respectively. This instrument amends the European 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.
- 7.47 This instrument amends the Fees and Awards Regulations so that Dubs Children and their dependent children who are starting courses in the 2019/20 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.
- 7.48 This instrument amends the Further Education Regulations so that Dubs Children and their dependent children who are starting courses in the 2019/20 academic year qualify for advanced learner loans.

Support for certain students who are undertaking a course that is equivalent or lower in level than a previous qualification.

- 7.49 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 or courses of initial teacher training.
- 7.50 The subject titles referred to in this instrument are taken from the new "Higher Education Classification of Subjects" (HECoS) coding system which is replacing the Joint Academic Coding System (JACS). The new coding system has been developed by the Higher Education Statistics Authority, the Universities and Colleges Admissions Service and a range of other interested bodies in the higher education

sector and is to be implemented for the academic year starting in 2019. The Student Loans Company is required to use the same coding system for student support purposes to ensure alignment with the wider higher education sector.

- 7.51 To maintain the original policy intention for new and continuing students, this instrument amends the Student Support Regulations to include the following new subject groupings in the list of ELQ exemptions where some previously exempt courses fall under a different subject grouping under JACS: ‘Psychology, Geographical and environmental studies’, and ‘General and others in sciences.’
- 7.52 In addition, this instrument amends existing titles of ELQ exempt STEM subjects where some of the subject headings have changed slightly under HECoS: ‘Biological Sciences’ to ‘Biological and Sport Sciences’, ‘Agriculture and related subjects’ to ‘Agriculture, food and related studies’ and ‘Engineering, technology or computer science’ to ‘engineering and technology’ and ‘computing’.
- 7.53 This instrument also amends the Student Support Regulations to include an additional STEM subject of ‘medicine and dentistry’ so that graduate students starting part-time honours degree courses as a second degree from 1 August 2019, qualify for fee loans and, where the student is attending their course, loans for living costs.
- 7.54 This instrument corrects previous omissions from the Student Support Regulations. An ELQ exemption for graduate students starting part-time honours degree courses in ‘Subjects Allied to Medicine’ on or after 1 August 2018 will apply from the date this instrument comes into force.
- 7.55 This instrument makes corresponding changes to the Fee Limit Condition Regulations.
- 7.56 This instrument amends the Student Support Regulations so that students attending part-time courses of initial teacher training starting on or after 1 August 2018 where that course leads to a qualification that is equivalent or lower than their first qualification, will qualify for loans for living costs for an academic year of a course starting on or after 1 August 2019.

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 2020.

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 OfS to check that the amendment regulations met policy intent.
- 10.2 During the passage of the Higher Education and Research Act in 2017, Ministers provided a commitment to public consultation on the level of the maximum fees for accelerated degree courses. The Department for Education published a consultation in

December 2017, seeking views from the Higher Education sector and others on a proposed fee cap increase (as compared with their non-accelerated equivalents) of 20% for accelerated courses, and on related proposals to enable and encourage wider provision of accelerated degree courses and increased enrolment by students.

- 10.3 The consultation closed in February 2018. 97 responses were received from a wide range of Higher Education Approved (fee cap) and Approved Providers, HE representative bodies, Further Education Colleges, professional representative organisations, charitable organisations and individuals. The Government response to the consultation on accelerated degrees was published on 19 November 2018².

11. Guidance

- 11.1 The former Universities Minister, Sam Gyimah, announced proposed changes to maximum fees for accelerated courses in a Written Ministerial Statement to Parliament on 19 November 2018. A further Written Ministerial Statement setting out student support for the 2019/20 academic year was tabled in Parliament on 22 November 2018.
- 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 2019/20 will be published for students on .GOV.UK and SFE websites before 1 August 2019.
- 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. A preliminary Regulatory Impact Assessment of the consultation proposals to introduce higher annual maximum fees for accelerated courses was published on .GOV.UK in December 2017, alongside the consultation on accelerated courses. A revised final Impact Assessment for accelerated degrees, reflecting data derived from the consultation responses, was published on 27 November 2018 and is available on .GOV.UK³.
- 12.2 The impact on the public sector is minimal.
- 12.3 From the Impact Assessment, the impact on business, charities or voluntary bodies of introducing the option to charge higher maximum tuition fees for accelerated courses is forecast to increase higher education providers' income from fees by £6.9 million a year, from eligible students starting accelerated courses from 1 August 2019. The reform is deregulatory in nature as it allows providers to charge a higher annual tuition fee for accelerated courses and so make them economic to maintain and expand provision.

² <https://www.gov.uk/government/consultations/accelerated-degrees-widening-student-choice-in-higher-education>

³ <https://www.gov.uk/government/publications/accelerated-degree-courses-assessment-of-impact>

12.4 An Equality Analysis (EA)⁴ covering changes to student support for 2019/20 is being published on the .GOV.UK website in February 2019 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 The regulation does not include a statutory review clause: however, a specific review of accelerated degrees will be conducted three years after the Accelerated Degrees Regulations come into force. The scope of the review will be determined closer to the time.

14.3 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.

⁴ 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