

EXPLANATORY MEMORANDUM TO
THE EDUCATION (STUDENT FEES, AWARDS AND SUPPORT) (AMENDMENT)
REGULATIONS 2024

No. 85

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His 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”).
- the Higher Education Short Course Loans Regulations 2022 (S.I. 2022/349) (“the Short Course Regulations”).

- 2.2 This instrument also revokes legislation relating to mandatory awards.

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 2024/25 academic year, it also makes a number of corrections to come into force when this instrument comes into force.
- Regulations 5, 18, 22, 25, 32, 40, 48 and 59 replace incorrect cross-references to paragraphs in the Appendix to the Afghan Relocation and Assistance Policy of the immigration rules in the regulations at paragraph 2.1 above.

- Regulation 9(3)(f) corrects an error in regulation 159(16B) of the Student Support Regulations by renumbering sub-paragraph ‘c’ as sub-paragraph ‘b’.
- Regulation 10 corrects errors in regulations 144(8)(c) and 157B(8)(c) of the Student Support Regulations by substituting ‘the current part-time course’ for references to ‘the current course’.

3.2 In light of these corrections, the Department is adopting the free issue procedure in relation to this instrument for anyone who purchased the Education (Student Fees, Awards and Support (Amendment) Regulations 2021 (S.I. 2021/127), the Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348) and the Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74).

4. Extent and Territorial Application

- 4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) 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 funding for further education students and funding for higher education undergraduate and postgraduate students in England.
- 6.2 The Student Support Regulations provide for support for undergraduate students taking designated full-time and part-time undergraduate 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’ allowance.
- 6.3 The Master’s Regulations provide for the making of loans to eligible students in connection with 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 beginning 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. This is a legacy scheme with no new students having received support from the 2023/24 academic year onwards.

- 6.6 The Short Course Regulations provide for fee loans for students taking designated higher education short courses during the period beginning on or after 1st September 2022 and ending on or before 1st September 2025.
- 6.7 The Further Education Loans Regulations provide for fee loans for students taking designated further education courses which begin on or after 1st August 2013.
- 6.8 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”.
- 6.9 The Fee Limit Condition Regulations prescribe the category of higher education provider and set out the qualifying persons and courses to whom /which maximum fee limits for undergraduate courses apply.

7. Policy background

What is being done and why?

Changes to living costs support for 2016 cohort full-time undergraduate students in 2024/25.

- 7.1 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 2.5%¹ in 2024/25. The loan for living costs is partially income assessed.
- 7.2 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 £10,227 in 2024/25; for students living away from home and studying in London, £13,348; for students living in the parental home, £8,610 and for students studying overseas as part of a UK course, £11,713.
- 7.3 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 £11,658 in 2024/25; for students living away from home and studying in London, £14,557; for students living in the parental home, £10,158 and for students studying overseas as part of a UK course, £13,038.
- 7.4 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 £4,327 in 2023/24.

¹ 2.5% is the inflation forecast for the first quarter of 2025 using the RPIX inflation index published by the Office for Budget Responsibility in its Economic and Fiscal Outlook Supplementary Economy Tables (Table 1.7) on 22 November 2023, alongside the Autumn Statement. This is approximately the mid-way point in the 2024/25 academic year for students starting that academic year in Autumn 2024.
https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fobr.uk%2Fdocs%2Fdlm_uploads%2FEconomy%20supplementary%20tables%20November%202023-3.xlsx&wdOrigin=BROWSELINK

Changes to living costs support for 2009 and 2012 cohort full-time undergraduate students in 2024/25.

- 7.5 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 2.5% in 2024/25. The loan for living costs is partially income assessed.
- 7.6 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 £7,332 in 2024/25; for students living away from home and studying in London, £10,230; for students living in the parental home, £5,831 and for students studying overseas as part of a UK course, £8,710.
- 7.7 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 2.5% to £4,224 in 2024/25.
- 7.8 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 2.5% in 2024/25.
- 7.9 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 £6,599 in 2024/25; for students living away from home and studying in London, £9,234; for students living in the parental home £5,117 and for students studying overseas as part of a UK course, £7,856.
- 7.10 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 2.5% to £3,878 in 2024/25.

Changes to elements of the living costs support package for new and continuing full-time undergraduate students in 2024/25.

- 7.11 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.
- 7.12 This instrument amends the Student Support Regulations to increase the maximum long courses loan by 2.5% for new and continuing full-time undergraduate students in 2024/25. For students living away from home and studying outside London, the maximum long courses loan will be £110 a week; for students living away from home and studying in London, £141 a week; for students living in the parental home £73 a week and for students studying overseas as part of a UK course, £152 a week.
- 7.13 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 (see regulation 38(7) of those regulations). Instead, most students

undertaking work placement years qualify for a reduced rate, non-income assessed loan for living costs.

- 7.14 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 2.5% in 2024/25. For students living away from home and studying outside London, the maximum reduced rate of loan for living costs will be £3,098, for students living away from home and studying in London, £4,350 and for students living in the parental home, £2,324. 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.
- 7.15 Full-time undergraduate students undertaking a year of a course in medicine or dentistry that is defined as a bursary year in the Student Support Regulations 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.
- 7.16 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 2.5% in 2024/25. For students living away from home and studying outside London, the maximum reduced rate of loan for living costs will be £2,670, for students living away from home and studying in London, £3,749 and for students living in the parental home, £2,004. Students studying overseas as part of a UK course, qualify for the reduced rate of loan for living costs that applies to students living away from home and studying outside London.

Changes to grants for full-time undergraduate students with dependants in 2024/25.

- 7.17 This instrument also amends the Student Support Regulations to increase maximum dependants' grants for full-time undergraduate students by 2.5% in 2024/25. The maximum adult dependants' grant will be £3,438 and the maximum parents' learning allowance, £1,963 in 2024/25. The amount of childcare grant payable in 2024/25 will be based on 85% of actual childcare costs, subject to maximum grants of £193.62 a week for one child only or £331.95 a week for two or more children.

Changes to allowances for full-time and part-time undergraduate students and postgraduate students with disabilities in 2024/25.

- 7.18 This instrument amends the Student Support Regulations to increase the maximum disabled students' allowance for full-time and part-time undergraduate and postgraduate students by 2.5% in 2024/25. The maximum disabled students' allowance will be £26,948 in 2024/25.

Changes to living costs support for part-time undergraduate students in 2024/25.

- 7.19 The maximum loan for living costs for new part-time undergraduate students and continuing part-time undergraduate students who started their level 6 courses (honours degree and equivalent courses) on or after 1 August 2018 will be increased by 2.5% in 2024/25. The loan for living costs is also available for part-time level 5 pre-registration healthcare courses and part-time level 4 and 5 approved Higher Technical Qualifications starting in 2024/25. It is partially income assessed.

- 7.20 This instrument amends the Student Support Regulations so that the maximum loan for living costs for part-time students living away from home and studying outside London will be £10,227 in 2024/25; for students living away from home and studying in London, £13,348; for students living in the parental home, £8,610 and for students studying overseas as part of a UK course, £11,713.

Changes to loans for students starting postgraduate master's degrees in 2024/25.

- 7.21 The maximum loan for students starting postgraduate master's degrees on or after 1 August 2024 will be increased by 2.5% in 2024/25. This instrument amends the Master's Regulations to increase the maximum postgraduate master's degree loan to £12,471.

Changes to loans for students starting postgraduate doctoral degrees in 2024/25.

- 7.22 The maximum loan for students starting postgraduate doctoral degrees on or after 1 August 2024 will be increased by 2.5% in 2024/25. This instrument amends the Doctoral Regulations to increase the maximum postgraduate doctoral degree loan to £29,390. It also increases the maximum postgraduate doctoral degree loan that can be paid for any one academic year to £12,471.

Treatment of children granted indefinite leave to remain (ILR) where their parent has been granted ILR as a bereaved partner or a victim of domestic abuse.

- 7.23 In general, students are eligible for higher education student support, fee caps, home fee status and advanced learner loans for further education courses if they are settled and have been ordinarily (meaning lawfully) resident in the United Kingdom (UK) for 3 years before the start of their course. The rationale behind the 3-year ordinary residence requirement is that the substantial outlay of public funds should be spent on those who have demonstrated an intention to remain in the UK on a lawful and long-term basis.
- 7.24 Exceptions have been made to the 3-year ordinary residence requirement for persons who are granted ILR on the basis of domestic abuse or bereavement in recognition of the fact that a person may have difficulty renewing their leave due to controlling, coercive and threatening behaviour, or as a result of bereavement (making it less likely that these individuals will be able to meet the normal ordinary (lawful) residence requirements in the regulations). These exceptions were introduced to align with the Home Office (HO) Immigration Rules (the rules) which make provision for spouses and partners of settled persons to get ILR as a result of domestic abuse or bereavement.
- 7.25 We have become aware that the HO may grant children ILR where the parent has been granted ILR for reasons of domestic abuse or bereavement. Like their parent who has been granted ILR for reasons of domestic abuse or bereavement, these children are more likely than other groups of settled persons to have become settled at a time when they did not have an existing grant of leave.
- 7.26 Any break in ordinary residence is likely to be attributable to bereavement or domestic abuse (even if not the direct victim), rather than any culpable failure on their own part to comply with the requirements of immigration law. They are, therefore, in an almost identical position to their parent but are currently being treated less favourably for student finance purposes.

- 7.27 This instrument amends the Student Support Regulations to ensure that children granted ILR by the HO where their parent has been granted ILR as a victim of domestic abuse or as a bereaved partner, are treated for student support purposes in the same way as their parent. This means that they will not be subject to the 3-year ordinary residence requirement but will instead need to be ordinarily resident in England on the course start date.
- 7.28 This instrument also makes corresponding amendments to the Master's Regulations, and Doctoral Regulations for postgraduate master's loans and postgraduate doctoral degree loans respectively. It also makes corresponding amendments to the Short Course Regulations for HE short courses loans and the Further Education Loans Regulations for advanced learner loans.
- 7.29 This instrument amends the Fees and Awards Regulations so that children granted ILR by the HO where their parent was granted ILR as a victim of domestic abuse or bereaved partner will qualify for home fee status if they have been ordinarily resident in the United Kingdom on the day on which the course starts. It also makes corresponding amendments to the Fee Limit Condition Regulations so that this group of students are 'qualifying persons' for the purposes of tuition fee limits.
- 7.30 These changes will apply in respect of an academic year starting on or after 1 August 2024.

Treatment of persons granted Indefinite Leave to Enter (ILE) as a victim of domestic abuse and their children granted ILE.

- 7.31 The Home Office (HO) have made changes to their Immigration Rules to grant Indefinite Leave to Enter (ILE) to those persons who are overseas where they have been the victim of transnational marriage abandonment (TMA). This is a form of domestic abuse whereby the abusive party abandons their partner overseas and their permission to stay in the UK expires and/or they are left without access to their passport or immigration documents, preventing their return to the UK. Up to now, there has only been a route for settlement for victims of domestic abuse from within the UK.
- 7.32 This instrument amends the Student Support Regulations to ensure that students granted ILE as a victim of TMA and their children granted ILE are treated for student support purposes in the same way as students granted ILR as a victim of domestic abuse and their children. This means that they will not be subject to the 3-year ordinary residence requirement but will instead need to be ordinarily resident in England on the course start date.
- 7.33 This instrument also amends the Student Support Regulations so that ILE as a victim of TMA is included as an 'in year qualifying event'. This means that students who were not granted ILE as a victim of TMA on the course start date, but later acquired this status, can pick up student support for the rest of their course.
- 7.34 This instrument also makes corresponding amendments to the Master's Regulations and Doctoral Regulations for postgraduate master's loans and postgraduate doctoral degree loans respectively. It also makes corresponding amendments to the Short Course Regulations for HE short courses loans and the Further Education Loans Regulations for advanced learner loans.

- 7.35 This instrument amends the Fees and Awards and Fee Limit Condition Regulations so that this group of students and their children qualify for home fee status and are qualifying persons for the purposes of tuition fee limits.
- 7.36 These changes will apply in respect of an academic year starting on or after 1 August 2024.

Treatment of British Citizens of Chagossian descent.

- 7.37 The British Government forcibly removed the Chagossians from the British Indian Ocean Territory (BIOT) / Chagos Archipelago in the late 1960s and early 1970s and has prevented them from returning. The British Overseas Territories Act 2002 conferred British citizenship on Chagossians born on BIOT and their children in recognition of their unique status, and the Nationality and Borders Act 2022 extended this so that all direct descendants of people born on BIOT could apply to become British Overseas Territories Citizens and British citizens.
- 7.38 The majority of students of Chagossian descent granted British Citizenship under the arrangements introduced in 2022 currently do not qualify for student support as they are unable to meet the 3-year ordinary residence requirement. This instrument amends the Student Support Regulations to provide tuition fee loan support for this group of students in line with existing policy for persons in the British Overseas Territories who are settled in the UK. This group of students will be treated as if they have been ordinarily resident in the Chagos Islands for the 3-year period when they have not been ordinarily resident in the UK and Islands.
- 7.39 This instrument also makes corresponding amendments to the Master's Regulations, and Doctoral Regulations for postgraduate master's loans and postgraduate doctoral degree loans respectively. It also makes corresponding amendments to the Short Course Regulations for HE short courses loans and the Further Education Loans Regulations for advanced learner loans.
- 7.40 This instrument amends the Fees and Awards Regulations so that students of Chagossian descent who are British Citizens will qualify for home fee status. It also makes corresponding amendments to the Fee Limit Condition Regulations so that this group of students are 'qualifying persons' for the purposes of tuition fee limits.
- 7.41 These changes will apply to new full-time and part-time students starting courses on or after 1 August 2024 and full-time and part-time students who started their courses on or after 1 August 2022 who are continuing their courses on or after 1 August 2024.

Settled status requirements and addition of settled status to the categories of in-year qualifying 'events'.

- 7.42 Under the current Student Support Regulations certain categories of eligible student are required to hold settled status on the first day of the first academic year of the course or on the course start date if they are to access student finance. If this is not the case, they are ineligible and are not able to pick up student support during their course. Certain other immigration categories are treated as 'in year qualifying events' ('events') in the Student Support Regulations, which allows the student to become eligible for support after they have acquired that status, even if they are part-way through their studies.
- 7.43 This instrument amends the Student Support Regulations to change this position for the following categories of eligible student set out in paragraphs of Schedule 1 to the

Student Support Regulations : paragraph 2 (certain persons who are settled in the United Kingdom), paragraph 2A (certain settled persons coming to the UK from the Common Travel Area) and paragraph 9BB (settled persons coming to the UK from specified British Overseas Territories).

- 7.44 This instrument also amends the settled status provisions in those paragraphs of Schedule 1 to the Student Support Regulations and amends other provisions in the Student Support Regulations so that settled status is included as an ‘in year qualifying event’ for students in these categories. This means that students who were unable to meet the requirement to hold settled status on the first day of the first academic year of the course (those covered by paragraphs 2 and 9BB) or on the course start date (those covered by paragraph 2A), but later acquire settled status, can pick up student support for the rest of their course.
- 7.45 This instrument also makes corresponding amendments to the Master’s Regulations and Doctoral Regulations for postgraduate master’s loans and postgraduate doctoral degree loans respectively. It also makes corresponding amendments to the Short Course Regulations for HE short courses loans and the Further Education Loans Regulations for advanced learner loans.
- 7.46 This instrument amends the Fees and Awards and Fee Limit Condition Regulations so that students gaining settled status part way through the course will qualify for home fee status and become a qualifying person for any associated fee limits in the years following the acquisition of this status.
- 7.47 These changes will apply in respect of an academic year starting on or after 1 August 2024.

Removal of references to qualified teacher learning and skills status.

- 7.48 It is our policy intention that students who already hold a qualification that is recognised as enabling them to teach in Further Education (FE) should not receive a tuition fee loan for a second FE course of Initial Teacher Training (ITT).
- 7.49 The Student Support Regulations as currently drafted allow all FE trained teachers to access a tuition fee loan for a second (or subsequent) ITT course as long as they do not hold Qualified Teacher Learning and Skills (QTLS) status. However, there has been no mandated qualification for FE teachers or requirement to hold QTLS status since 2013 and this is currently a wholly optional and temporary status.
- 7.50 This means that the Regulations as drafted allow students to qualify for fee loans for multiple FE ITT courses without restriction and allow students holding QTLS to relinquish that status in order to qualify for support for further FE ITT courses.
- 7.51 This instrument amends the Student Support Regulations to remove the definition of and cross references to QTLS. It also makes amendments so that students who have already achieved a qualification in an FE ITT course mentioned in the Student Support Regulations will not qualify for tuition fee loan for a recognised initial further education teacher training course in England.
- 7.52 This instrument makes corresponding changes to the Fee Limit Condition Regulations so that students who have already achieved a qualification in an FE ITT course mentioned in the Student Support Regulations and are studying on a recognised initial further education teacher training course in England will not be qualifying persons for whom maximum fee limits will apply.

- 7.53 These changes will apply in respect of new full-time and part-time students starting a course from 1 August 2024.

Removal of Fee Limits for Postgraduate Courses of Initial Teacher Training leading to Qualified Teacher Status.

- 7.54 The Fee Limit Condition Regulations prescribe the category of higher education provider and the persons and courses to whom/which maximum fee limits apply. This includes undergraduate courses and postgraduate courses of initial teacher training. Qualifying courses are those designated for student support (regulation 7 of the Fee Limit Condition Regulations) and offered by providers who are registered in the Approved (Fee Cap) part of the Office for Students (OfS) Register (regulation 3 of the Fee Limit Condition Regulations).
- 7.55 Accredited institutions that are unregistered providers offering Initial Teacher Training (ITT) courses leading to Qualified Teacher Status (QTS) are not subject to fee limits but are required to follow Initial Teacher Training criteria set by the Department for Education not to charge more than £9,250 for a full-time postgraduate course of ITT or more than £6,935 for a part-time postgraduate ITT course.
- 7.56 Accredited ITT providers registered as Approved (Fee Cap) Providers with the OfS who only offer postgraduate ITT courses are currently only able to charge up to £9,000 for a full-time postgraduate ITT course and up to £6,750 for a part-time postgraduate ITT course. This is because they are ineligible for a Teaching Excellence Framework (TEF) Award, which allow Approved (Fee Cap) Providers to charge above £9,000 up to £9,250 for a full-time course and above £6,750 up to £6,935 for a part-time course. Only providers who offer undergraduate courses in addition to postgraduate ITT courses are eligible to apply for a TEF award. Because of this, ITT providers who only provide postgraduate ITT courses are disincentivised from pursuing OfS registration.
- 7.57 Approved (Fee Cap) Providers offering postgraduate ITT courses leading to QTS will no longer be subject to maximum fee limits in the Higher Education (Fee Limits and Fee Limit Condition) (England) Regulations 2018 (“the Fee Limits Regulations”) for those courses in 2024/25. Instead, they will be subject to the same fee limits (£9,250 for a full-time postgraduate ITT course and £6,935 for a part-time postgraduate ITT course) set out in the Initial Teacher Training criteria from the Department for Education. This means maximum fees for postgraduate ITT courses leading to QTS will remain unchanged in 2024/25 and continue to be set at the same level as other courses subject to fee limits.
- 7.58 The only ITT provider whose fee limit for 2024/25 will be affected is the National Institute of Teaching (NIoT): this change will mean it is subject to the same fee limit as all unregistered and Approved (Fee Cap) providers. The NIoT is currently an unregistered, accredited ITT provider. Ahead of 2024/25, it is registering with the OfS as an Approved (Fee Cap) Provider to gain Degree Awarding Powers – a condition of its contract with the Department for Education.
- 7.59 This instrument amends the Fee Limit Condition Regulations for 2024/25 to exclude postgraduate ITT courses which lead to QTS from the definition of a qualifying course in those Regulations. This will enable parity and equity amongst ITT providers, and prevent this category of OfS-registered, TEF-ineligible ITT providers from being disadvantaged.

- 7.60 These changes will apply in respect of an academic year of a course starting on or after 1 August 2024.
- 7.61 Postgraduate ITT courses that are recognised initial further education teacher training courses will continue to be qualifying courses in the Fee Limit Condition Regulations and therefore continue to be subject to maximum fee limits in the Fee Limits Regulations in 2024/25 because they do not lead to QTS.

Recognition of initial further education teacher training courses.

- 7.62 The Student Support Regulations currently provide for the recognition of initial further education teacher training (“FE ITT”) courses. The Secretary of State must publish and maintain a list of recognised FE ITT courses. A course may only be recognised as such if successful completion of the course means that a person meets the occupational standard for a learning and skills teacher as determined by the Institute for Apprenticeships and Technical Education from time to time.
- 7.63 This instrument amends the Student Support Regulations to give the Secretary of State discretion on which courses to include on the list of FE ITT courses that are designated for student support. This will ensure that poor quality courses can be excluded from the list.
- 7.64 This change will apply from the date this instrument comes into force.

Introduction of termination provisions for persons with leave to enter or remain under the long residence category.

- 7.65 The long residence category of eligible students extends eligibility for student support to those persons who are under 18 years of age and who have lived in the UK for at least seven years prior to the first day of the first academic year of their course; or are aged 18 years and above and who have either spent at least half their life in the UK or at least 20 years in the UK prior to the first day of the first academic year of their course.
- 7.66 To be eligible for support under this category the student must also be ordinarily resident in England and have ordinary lawful residence in the UK and Islands throughout the three-year period immediately prior to the first day of the first academic year of their course; and have not resided, during that three-year period, wholly or mainly for the purposes of education.
- 7.67 The purpose of termination provisions in regulations is to ensure that where an immigration status expires within the lifetime of a course, support may cease at the end of the academic year in which the relevant status expires if no further leave to remain is granted. The current drafting of the termination provisions means a person who is claiming student support on the basis of long residence, could continue to remain an eligible student for subsequent academic years of their course, even after their leave to enter/remain in the UK has expired and they have not been granted any further leave.
- 7.68 This does not reflect the policy intent and is inconsistent with how we treat other persons with a different status under the regulations, for example persons with refugee status or EU pre-settled status.
- 7.69 This instrument amends the Student Support Regulations so that persons with long residence in the UK who no longer hold a valid leave to enter or remain are not

eligible students and will not qualify for student support unless they are granted further leave to remain in the UK.

- 7.70 This instrument also makes corresponding amendments to the Master's Regulations, and Doctoral Regulations for postgraduate master's loans and postgraduate doctoral degree loans respectively. It also makes corresponding amendments to the Short Course Regulations for HE short courses loans, the Further Education Loans Regulations for advanced learner loans and the European University Institute Regulations for support for students taking designated postgraduate courses at the European University Institute in Florence, Italy.
- 7.71 These changes will apply in respect of an academic year of a course starting on or after 1 August 2024.

Amending termination clauses so that a person's eligibility does not terminate upon acquisition of British or Irish citizenship.

- 7.72 The purpose of termination provisions in regulations is to ensure that where an immigration status expires within the lifetime of a course, support may cease at the end of the academic year in which the relevant status expires if no further leave to remain is granted. The termination provisions are present in regulations for students in the protection-based eligibility categories (such as refugees) and were also added to the EU-Exit related eligibility for those starting courses from 2021/22. These provisions ensure that students who lost their status and were not granted further leave to remain, were no longer eligible or entitled to student support.
- 7.73 The current drafting of the termination clauses has the unintended consequence of terminating a person's eligibility if they are not granted further leave to remain in the UK but are instead granted British or Irish citizenship.
- 7.74 This instrument amends the Student Support Regulations so that persons granted British or Irish citizenship will continue to be eligible students and qualify for student support.
- 7.75 This instrument also makes corresponding amendments to the Master's Regulations, and Doctoral Regulations for postgraduate master's loans and postgraduate doctoral degree loans respectively. It also makes corresponding amendments to the Short Course Regulations for HE short courses loans, the Further Education Loans Regulations for advanced learner loans and the European University Institute Regulations for support for students taking designated postgraduate courses at the European University Institute in Florence, Italy.
- 7.76 These changes will apply in respect of an academic year starting on or after 1 August 2024.

Eligibility for home fee status in certain circumstances where leave to remain expired.

- 7.77 The Fees and Awards Regulations currently provide that students must provide evidence of their eligibility for home fee status on the first day of each academic year of their course. Where students cannot demonstrate their eligibility status because their leave under an eligible category has ceased, higher education providers can treat these students as overseas students and charge them higher fees for the remaining years of their course. This may mean students with leave under the Ukraine Schemes, for example, are more vulnerable to being refused home fee status part-way through

their course than students in other protection-based eligibility categories as there is no direct route to settled status after the three-year Ukraine Scheme leave period expires.

- 7.78 This instrument amends the Fees and Awards Regulations so that persons who were assessed as eligible students at the start of their course, whose leave to remain has subsequently expired and who have been granted further leave to remain in the UK or who have acquired British or Irish citizenship, will continue to be eligible for home fee status for subsequent years of their course. This also makes corresponding amendments to the Fee Limit Condition Regulations so that this group of students remain ‘qualifying persons’ for the purposes of tuition fee limits.
- 7.79 These changes will apply in respect of an academic year starting on or after 1 August 2024.

Revocation of Mandatory Awards Regulations that are in force but not operable and removal of Obsolete References.

- 7.80 Full-time undergraduate students who are eligible for support for their courses under the former Mandatory Awards system that was in force for students who started their courses before 1 September 1998 or under transitional arrangements, for students who started their courses before 1 September 1999, are not eligible students under the Student Support Regulations.
- 7.81 There are no full-time students on undergraduate HE courses who are eligible for/in receipt of support under the old Mandatory Awards system. Therefore, this instrument amends the Student Support Regulations to remove all references to Mandatory Awards. It also revokes existing Mandatory Awards Regulations that are in force but not operable.
- 7.82 These changes will apply from the date this instrument comes into force.

8. European Union Withdrawal and Future Relationship

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

9. Consolidation

- 9.1 Regulations setting out student finance arrangements under the Lifelong Learning Entitlement for new undergraduate students in the 2025/26 Academic Year are planned to be laid in September 2024. The Department is currently considering the feasibility of consolidating existing legislation for students continuing their courses in the 2025/26 academic year starting in August 2025.

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 Summer and Autumn 2023, drafts of this instrument were sent to the Student Loans Company for their review and comment.

11. Guidance

- 11.1 The Minister for Skills, Apprenticeships and Higher Education, Robert Halfon, has announced student finance arrangements for the 2024/25 academic year in a Written Ministerial Statement to Parliament on 25 January 2024. The Statement and a detailed

summary of changes to grants and loans can be accessed on the UK Parliament website².

- 11.2 Information setting out the changes made by this instrument will be made available to universities, colleges and other higher education stakeholders on Student Finance England's (SFE) practitioners' website³ by Spring 2024. Further information on changes to student for 2024/25 will be published for students on .GOV.UK and SFE websites before 1 August 2024.
- 11.3 Guidance materials are being produced by SFE for students intending to apply for financial support for the 2024/25 academic year.

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 An Impact Assessment has not been prepared for this instrument because there is no significant impact on business and this SI relates to the maintenance of existing regulatory standards. An Equality Impact Assessment (EIA)⁴ covering changes to student support for 2024/25 is available on the .GOV.UK website.

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 number of students who receive fee loans and loans and grants for living and other 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 Anne Rimmer and Paul Williams, Deputy Directors Student Funding Policy, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Baroness Barran, Minister for the School System and Student Finance at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

² 'Higher Education Student Support' <https://questions-statements.parliament.uk/written-statements/detail/2024-01-25/hcws209>

³ <https://www.practitioners.slc.co.uk/policy/>

⁴ The Equality Impact Assessment for 2024/25 is available on .GOV.UK at: <https://www.gov.uk/government/publications/higher-education-student-finance-2024-to-2025-equality-analysis>

A hard copy of this EIA is available from Linda Brennan at the Department for Education: Email: Linda.Brennan@education.gov.uk