



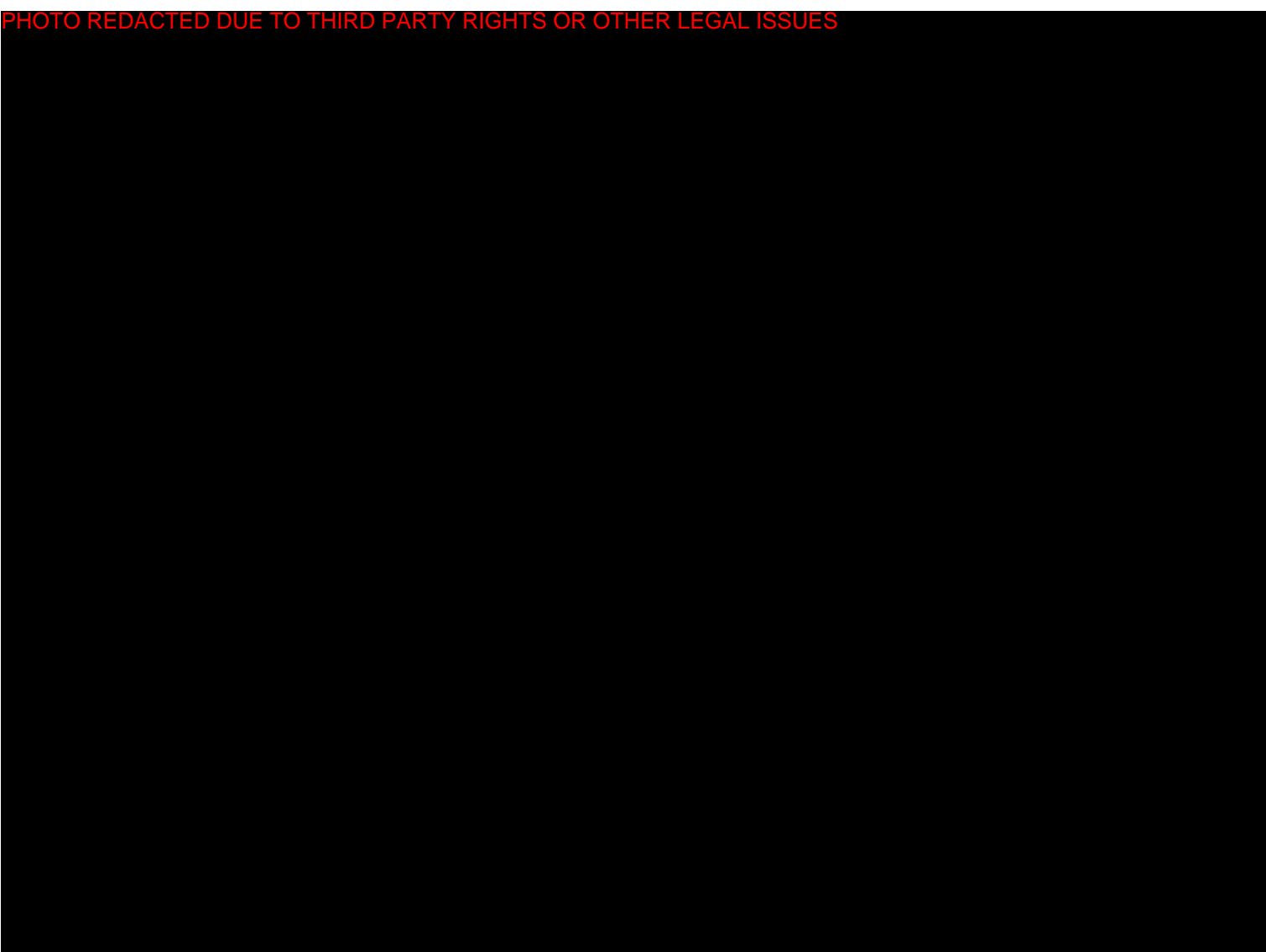
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# Financial Contingency Fund 2011/12

Further education institutions and Welsh for Adults  
Centres guidance

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## Guidance

Welsh Government Circular No: 014/2011

Date of issue: September 2011

# Financial Contingency Fund 2011/12

<b>Audience</b>	Further education institutions in Wales and Welsh for Adults Centres.
<b>Overview</b>	Guidance for use by further education institutions (FEIs) and Welsh for Adults Centres for administering and assessing the eligibility and the methodology for calculating payments made under the Financial Contingency Funds for Further Education 2011/12.
<b>Action required</b>	None – for information.
<b>Further information</b>	Any questions should be addressed to: Megan Hopkins Higher Education Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 5141 E-mail: <a href="mailto:studentfinancedivision@wales.gsi.gov.uk">studentfinancedivision@wales.gsi.gov.uk</a>
<b>Additional copies</b>	This document can also be accessed from the Welsh Government website at <a href="http://www.wales.gov.uk/topics/educationandskills/publications/guidance">www.wales.gov.uk/topics/educationandskills/publications/guidance</a>
<b>Related documents</b>	<i>Financial Contingency Fund 2010/11 Circular No: 024/2010</i>

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## **Summary**

This document sets out the terms, conditions and guidance for the administration of the funding provided by the Minister for Education and Skills (“the Minister”) to further education institutions (“FEIs”) and Welsh for Adults language centres (“language centres”) specifically earmarked for the purposes of providing assistance for eligible students in particular need in respect of the academic years commencing on or after 1 September 2011 but before 1 September 2012.

This document supersedes any previous terms and conditions imposed and guidance provided by the Minister for the payment of money for the Financial Contingency Fund/Hardship Funds to FEIs and language centres in relation to academic year 2011/12.

## **Purpose of the Fund**

The Financial Contingency Fund allocation to an FEI/language centre is to be used to provide financial help to those eligible students whose access to further education might be inhibited by financial considerations, or who, for whatever reason, including physical or other disability, face financial difficulties.

## **Priorities for Financial Contingency Fund support**

In determining which individual students, from amongst those eligible, to support, the Minister expects FEIs and language centres to prioritise help to those students who fall into one or more of the following priority groups:

- i Students who need help with childcare costs, especially lone parents.
- ii Students who reach the age of 20 before they complete their A levels or other FE courses and who face particular financial difficulties because their families will cease to receive child benefit and dependency additions in Social Security benefits or tax credits for these students as of their 20<sup>th</sup> birthday.
- iii Students who have been in care, on probation or are otherwise considered to be at risk.
- iv Students on low income or from low income families, including young learners who do not qualify for income support, unemployed people receiving Job Seekers Allowance and those in receipt of means-tested state benefit such as Working Tax Credit and their unwaged dependants.
- v Students from Super Output Area (SOA) with a level of educational deprivation above a specific threshold.

FEIs/language centres are reminded that falling into a priority group is not in itself a basis for making an award from the Financial Contingency Funds.

FEIs/language centres should ensure that they have appropriate assessment processes to identify students who have particular financial needs and those who are in unforeseen financial difficulty. FEIs/language centres must also ensure that any payments from the funds are made according to individual students' needs.

## **Eligible students**

New Deal participants (see 'Deciding Whether a Student Should Receive a Payment' below), the Financial Contingency Fund shall only be used to assist eligible students falling in the following groups:

- Further Education Students who are aged 16 and over who are undertaking full or part-time courses at institutions within the further education sector; and
- Higher Education students undertaking full or part time courses (including sandwich courses) which do not fall into the scope of the Financial Contingency Fund (Higher Education),

where those Further Education or Higher Education students fall within the categories of eligible student described in Part 2 of Annex A to this document.

An eligible student does not qualify for support under this scheme, other than for support for tuition fees (see 'Tuition Fees' below), if the only paragraph in Part 2 of Annex A into which the eligible student falls is paragraph 9.

## **Conditions attached to the Financial Contingency Fund**

The funding for the Financial Contingency Fund shall be subject to the terms and conditions set out in this document and any additional terms and conditions which the Minister may specify in writing by way of amendment to this document.

FEIs/language centres must comply with the terms and conditions below and any additional terms and conditions specified in writing from time and must have regard to any further policy guidance which the Minister may make in respect of the purpose of the Fund from time to time.

The Minister requires FEIs/language centres to have regard to the terms and conditions in the document entitled *Financial Memorandum between the Welsh Assembly Government, Further Education Institutions and Higher Institutions providing further education in Wales* (DELLS Document No: 026-06 dated 1 January 2007).

An FEI/language centre must ensure that any money paid to it in connection with the Financial Contingency Fund is only used in accordance with the following:

- It is only to be used for the purpose of the fund as specified in this document.
- Payments are only to be made to eligible students as defined Annex A.

- Each FEI / language centre must operate a separate interest bearing account into which the Minister will make payment of its allocation.
- The interest from the interest bearing account may be paid to students as part of the normal allocation of resources available, used for publicity or administration or used to defray audit costs.

Where an FEI or language centre makes a Financial Contingency Fund payment to a student in the form of a loan, repayments may only be used to further the purpose of the Financial Contingency Fund as set out in this document or for further payments which must be documented in the same way as original payments.

FEIs and language centres must provide the Welsh Government's Statistical Directorate with a report on the use of the funding received in respect of the Financial Contingency Fund for 2010/11 by **16 December 2011**. A report on the use of the Fund for 2011/12 will not be required until late 2012. Advice on the information to be included in these reports is at **Annex D**.

The Minister reserves the right to recover all or part of the Fund paid to an FEI or language centre and/or to suspend or withdraw all or part of it, if the FEI or language centre has not, in the Minister's opinion complied with any terms or conditions of funding.

## **Deciding whether a student should receive a payment**

FEIs/language centres are reminded that financial contingency funds are intended to provide support for individual students in cases where a need is established. FEIs/language centres should be mindful of the support offered by local authorities and neighbouring institutions and should ensure that financial contingency funds are not used to offer incentives intended to attract learners from other institutions.

When considering applications, FEIs/language centres must take account of students' financial circumstances and the availability of support from other sources, for example:

- Means testing to establish the student's and his/her family's income available to help with the costs under consideration.
- The Assembly Learning Grant (FE); before considering an application for payment, FEIs/language centres should direct those students who seem eligible for an Assembly Learning Grant (FE) ("ALG(FE)") to apply if they have not already done so.
- The Education Maintenance Allowance – before considering an application for payment, FEIs/language centres should direct those students who seem eligible for an Education Maintenance Allowance ("EMA") but have not applied, to do so. However it should be borne in mind that EMA is paid as an incentive and is not to support course related costs unlike the ALG(FE).
- Social security benefits.

- Tax credits from the Inland Revenue; FEIs/language centres should have regard to any Working Tax Credit or Child Tax Credit received by a student and his/her family. In particular, when considering applications for childcare support, FEIs/language centres must take into account any payment received under the childcare element of Working Tax Credit. Students should be asked to produce the award notice (TC602) issued by the Inland Revenue to confirm the amount of Tax Credit they are receiving. Whilst eligibility for tax credits or other forms of Government support may be a useful indicator of student's financial circumstances, this should not, in itself, form the basis of making an award as FEIs/language centres must also ensure that any payments from the funds are made according to individual student's needs. FEIs/language centres must also advise applicants for financial help towards childcare to contact their local Family Information Service in the first instance. Further advice on the helping student parents with the cost of childcare is provided later in this document.
- Payments through career development loans and other similar schemes.
- Payments from the New Deal for Lone Parents initiative; All other New Deal participants are not eligible for Financial Contingency Funds payments, as their funding should be agreed taking account of the associated costs of participation to the student.
- Coleg Harlech bursaries.
- Support for transport provided by the student's local authority.

FEIs/language centres must also consider whether the claimed deficit between income and expenditure constitutes real need and cannot reasonably be reduced to a manageable level by the action of the student.

FEIs and language centres will need to decide in each case, with reference to the incidence of expenditure, whether payments would most appropriately be made as grants or loans, and as a lump sum or as regular instalments, and whether conditions should be attached to the payments.

## **Payment of Funds**

It will be for each FEI/language centre to decide its criteria and procedures for considering applications and making payments to eligible students, subject to the terms and conditions imposed in respect of the funding by, and any other guidance from, the Minister.

FEIs/language centres must have written policies explaining their operational arrangements for awarding Financial Contingency Funds. These should be made widely available to all interested parties.

The Financial Contingency Fund is intended to provide support to eligible students in cases where a need is established and payments should therefore be made according to individual students' needs. FEIs/ language centres may offer payments

from Financial Contingency Funds which anticipate need as well as acting as a safety net.

Whilst payments from the Financial Contingency Fund can be agreed in principle prior to the start of the academic year, they should **not** be paid until the student has started the course.

FEIs and language centres should ensure that applications are processed within a reasonable time. As a guide, most students should receive a decision within three weeks of applying. Where decisions in respect of applications are taken at particular times during the year, the dates should be published.

The support provided via the Fund can be by payment to a third party, or through the provision of items or services or in cash direct to the eligible student, and may be in the form of a grant or a repayable loan. It may also be provided through the loaning of equipment which would remain the property of the FEI/language centre. Payment to a third party should not be made without the eligible student's written agreement.

An FEI/language centre should not use payment to a student from the Financial Contingency Fund as a means of directly paying off a debt owed to the FEI/language centre itself by the student, without the student's agreement. An FEI/language centre may, however, take into account any outstanding short-term loan from the Fund which the student has not repaid, when determining how much to give a student from the Financial Contingency Fund.

## **Advice to students**

### ***General***

FEIs/language centres should ensure that students seeking help from the Financial Contingency Fund are advised that any payments received could have implications for their entitlement to benefits particularly income support, housing benefit, tax credits and certain payments from the Social Fund.

Payments made in respect of course related costs such as childcare (whether in a lump sum or instalments), will be fully disregarded by the Department for Works and Pensions for benefit purposes.

Payments for general living costs might have implications for a student's benefit entitlement. This includes food, household fuel, ordinary clothing or footwear, rent, housing costs (if they are met by an income related benefit), water charges or Council tax.

Where help with general living costs is provided to a student in receipt of benefits, it is recommended that it is paid in a lump sum as it will be disregarded provided the student's capital holding does not exceed £3,000. However if it is decided to help with living costs by instalments, payments will be taken into account for benefit purposes with a £20 per week disregard. Students in receipt of help from the Financial Contingency Fund and claiming benefits should be given a statement



about payments made to them for presentation to Jobcentre Plus or local authority. A form of words is at Annex C.

### ***Financial Advice***

The Financial Services Authority (FSA) is leading a national strategy in partnership with government and others to improve financial capability in the UK. It has been working with the Further Education sector to develop a free resource called Money for Life, which aims to encourage a broader financial awareness amongst students. Money for Life is available to all colleges and further information can be obtained at <http://www.moneyforlifeprogramme.org.uk>

### ***Childcare***

The Childcare Act 2006 expanded and clarified the role of local authorities as the strategic leaders of the provision of childcare locally. Section 22 of the Act places a duty on local authorities to secure, so far as reasonably practicable, sufficient childcare provision for parents in order to enable those parents to (amongst others) undertake training to assist them to obtain work. Section 27 of the same Act requires local authorities to provide information, assistance and advice to parents or prospective parents wanting to secure childcare. Each local authority has established a Family Information Service. Students and prospective students must be encouraged to contact their local service as soon as possible and if possible before enrolling on a course to obtain information about the availability of childcare tailored to their individual needs. FEIs and language centres are encouraged to work with their Family Information Service to explore creative ways of providing access to the Family Information Service.

### **What the Financial Contingency Fund cannot be used for**

FEIs/language centres must not use Financial Contingency Funds to support means-tested entitlement schemes (i.e. entitlement grant/bursary schemes).

FEIs/language centres must have appropriate assessment procedures which ensure that payments from the Financial Contingency Fund are made according to individual students' need and not solely on the basis that an individual falls within a particular income band.

Financial Contingency Funds should **not** be used to provide group or communal facilities, or to make adaptations to buildings. Large items of equipment bought for the use of individual students should remain the property of the FEI/language centre. FEIs may use the Fund to provide transport services; however, such services should not involve capital costs, such as the purchase of a vehicle.

Fines and deposits fall outside of the scope of the Fund. Examples include fines for the late return of library books or other disciplinary fines; deposits on lockers, ID cards, keys, library cards and equipment which are fully refundable except in cases of damage or theft.

## ***Tuition fees***

Financial Contingency Funds cannot be used to meet the cost of tuition fees for any full or part-time students, except in cases where part-time HE students undertake a taster module of between 10% and under 50% of a full time course. Additionally, FEIs/language centres have discretion to provide support from the Fund for taster modules, which are less than 10% or 12 credits and otherwise fulfil the eligibility criteria for taster module support.

Should FEIs/language centres receive any enquiries from part-time students for help with the cost of undergraduate part-time tuition fee support, the student should be directed to their local authority which administers the statutory support package for part-time students.

Where a student is studying less than 50% of full time they should be directed to the 'Part-time Undergraduate Fee Waiver Scheme' operated by the Higher Education Council for Wales (HEFCW).

Financial Contingency Funds should not be used to contribute to any tuition fees charged at the discretion of the FEI/language centre for students on FE courses under any circumstances. However, FEIs/language centres may use Financial Contingency Funds to help students meet the cost of other course-related fees, such as awarding body, examination and registration fees, and items of equipment or materials essential for the student to participate in course activities but which they retain (ie personal equipment for courses such as catering, hairdressing or art).

Financial Contingency Funds should not be used to contribute to the tuition fees of full-time Coleg Harlech students who fall outside the scope of the Welsh Government's Adult Education Bursary Scheme.

## **Financial matters**

### ***Total amounts available in the Fund***

The amount of money that the Minister is making available to FEIs/language centres for 2011/12 is £6.5m.

### ***Payment to FEIs/language centres***

The Minister will write to all FEIs and language centres to inform them of their share of the Financial Contingency Fund budget as soon as it is possible in the financial year 2011-12.

It is anticipated that the allocation will be paid in full in September.

### ***Accountability***

In the case of FEIs, the head of the institution is considered to be the designated officer. In language centres (with the exception of Gwent Welsh for Adult language

centre) the head of the parent Higher Education institution is regarded to be the designated officer.

The designated officer shall:

- Advise the Governing Body on the discharge of its responsibilities as given in this document.
- Ensure that the uses to which the FEI/language centre puts its allocation are consistent with the purposes of the fund as described in this document and that the related terms and conditions are complied with.
- Ensure that the FEI/language centre takes those measures which the Minister may from time to time require to ensure that the systems of financial control and management are in place to enable it to fulfil its financial obligations.

### ***General Audit Arrangements***

FEIs/language centres must follow the audit requirements contained in the Financial Memorandum between the Welsh Government, Further Education Institutions and Higher Education Institutions providing further education in Wales (DELLS Information Document 026-06).

Auditors are required to certify that the money allocated and any interest earned on it has been used in accordance with the terms and conditions set out in this document.

### ***Unspent Funds***

Any money held in respect of 2010/11, over and above the 10 per cent carry forward arrangement, not spent by 31 July 2011 should be returned to the Department of Education and Skills (DfES) not later than **31 October 2011**.

### **Bulk purchase arrangements**

FEIs/language centres can make bulk purchase arrangements with local transport companies and provide equipment or services at a lower cost for students who would otherwise need support from the Financial Contingency Fund.

This funding should not however be used as a replacement for or to subsidise existing funding paid for by and FEIs/language centres' own funds.

Where an FEI/language centre enters into bulk purchase arrangements a clear audit trail must be maintained which clearly identifies the student beneficiaries and the amount of funding allocated.

The records must also demonstrate that the majority of students benefitting from the bulk purchasing arrangements are facing financial hardship and without this support would have difficulty accessing their studies.

## **Appeals**

FEIs/language centres should have in place an appeals procedure for cases where students have applied unsuccessfully for help from the Financial Contingency Fund. The procedure should be clear, and students should be made aware of their right to appeal. It will be for FEIs/language centres to resolve appeals from or disputes with individual students.

# Annex A: Conditions relating to residence

## PART 1

### Interpretation

#### 1.—(1) For the purposes of this Annex—

“Directive 2004/38” (“*Cyfarwyddeb 2004/38*”) means Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“EEA frontier self-employed person” (“*person hunangyflogedig ffin yr AEE*”) means an EEA national who —

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA frontier worker” (“*gweithiwr ffin yr AEE*”) means an EEA national who—

- (a) is a worker in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA migrant worker” (“*gweithiwr mudol o’r AEE*”) means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” (“*gwladolyn o’r AEE*”) means a national of an EEA State other than the United Kingdom;

“EEA self-employed person” (“*person hunangyflogedig o’r AEE*”) means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“EEA State” (“*gwladwriaeth AEE*”) means a Member State of the European Economic Area;

“employed person” (“*person cyflogedig*”) means an employed person within the meaning of Annex 1 to the Swiss Agreement;

“EU national” (“*gwladolyn o’r UE*”) means a national of a Member State of the European Union;

“European Union” (“*yr Undeb Ewropeaidd*”) means the territory comprised by the Member States of the European Union as constituted from time to time;

“European Economic Area” (“*Ardal Economaidd Ewropeaidd*”) means the area comprised by the EEA States;

“family member” (“*aelod o deulu*”) means (unless otherwise indicated)—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
  - (i) the person’s spouse or civil partner;

- (ii) direct descendants of the person or of the person's spouse or civil partner who are—
  - (aa) under the age of 21; or
  - (bb) dependants of the person or the person's spouse or civil partner; or
- (iii) dependent direct relatives in the ascending line of the person or that of the person's spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
  - (i) the person's spouse or civil partner; or
  - (ii) the person's child or the child of the person's spouse or civil partner;
- (c) in relation to an EU national who falls within Article 7(1)(c) of Directive 2004/38—
  - (i) the national's spouse or civil partner; or
  - (ii) direct descendants of the national or of the national's spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of the national or of the national's spouse or civil partner;
- (d) in relation to an EU national who falls within Article 7(1)(b) of Directive 2004/38—
  - (i) the national's spouse or civil partner;
  - (ii) direct descendants of the national or of the national's spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of the national or of the national's spouse or civil partner; or
  - (iii) dependent direct relatives in the national's ascending line or that of the national's spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraph 9—
  - (i) the national's spouse or civil partner; or
  - (ii) direct descendants of the national or of the national's spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of the national or of the national's spouse or civil partner;

“Islands” (“*Ynysoedd*”) means the Channel Islands and the Isle of Man;

“person with leave to enter or remain” means a person (“A” in this definition)—

- (a) who has—
  - (i) applied for refugee status but has as a result of that application been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is considered not to qualify for recognition as a refugee it is thought right to allow A to enter or

remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave; or

(ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow A to enter or remain in the United Kingdom on the grounds of discretionary leave;

(b) who has been granted leave to enter or remain accordingly;

(c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality Immigration and Asylum Act 2002); and

(d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since A was granted leave to enter or remain;

“refugee” (“*ffoadur*”) means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951 as extended by the Protocol thereto which entered into force on 4 October 1967;

“right of permanent residence” (“*hawl i breswyllo’n barhaol*”) means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

“self-employed person” (“*person hunangyflogedig*”) means—

(a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or

(b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“settled” (“*wedi setlo*”) has the meaning given by section 33(2A) of the Immigration Act 1971;

“Swiss Agreement” (“*Cytundeb y Swistir*”) means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation of the other, on the Free Movement of Persons signed at Luxembourg on 21 June 1999 and which came into force on 1 June 2002;

“Swiss employed person” (“*person cyflogedig Swisaidd*”) means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” (“*person cyflogedig ffin y Swistir*”) means a Swiss national who—

(a) is an employed person in the United Kingdom; and

(b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss frontier self-employed person” (“*person hunangyflogedig ffin y Swistir*”) means a Swiss national who—

(a) is a self-employed person in the United Kingdom; and

(b) resides in Switzerland or in the territory of an EEA State, other than the United Kingdom, and returns to the national's residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss self-employed person” (“*person hunangyflogedig Swisaidd*”) means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

“Turkish worker” (“*gweithiwr Twrcaidd*”) means a Turkish national who

(a) is ordinarily resident in the United Kingdom and Islands; and

(b) is, or has been, lawfully employed in the United Kingdom;

“worker” (“*gweithiwr*”) means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be;

(2) For the purposes of this Annex, “parent” (“*rhiant*”) includes a guardian, any other person having parental responsibility for a child and any person having care of a child and “child” (“*plentyr*”) is to be construed accordingly.

(3) For the purposes of this Annex, a person (“A” in this sub-paragraph) is to be treated as ordinarily resident in Wales, the United Kingdom and Islands or in the territory comprising the European Economic Area, Switzerland and Turkey if A would have been so resident but for the fact that—

(a) A;

(b) A’s spouse or civil partner;

(c) A’s parent; or

(d) in the case of a dependent direct relative in the ascending line, A’s child or child’s spouse or civil partner,

is or was temporarily employed outside Wales, the United Kingdom and Islands or the territory comprising the European Economic Area, Switzerland and Turkey.

(4) For the purposes of sub-paragraph (3), temporary employment outside Wales, the United Kingdom and Islands or the territory comprising the European Economic Area, Switzerland and Turkey includes—

(a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces; and

(b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the European Economic Area and Switzerland as members of such forces; and

(c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.

(5) For the purposes of this Annex an area which—

(a) was previously not part of the European Union or the European Economic Area; but

(b) at any time before or after these Regulations come into force has become part of one or other or both of these areas,

is to be considered to have always been a part of the European Economic Area.



PART 2  
Categories

**Persons who are settled in the United Kingdom**

**2.—**(1) A person who on the first day of the first academic year of the course—

- (a) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;
- (b) is ordinarily resident in the United Kingdom;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(3).

**3.** A person who—

- (a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

**Refugees and their family members**

**4.—**(1) A person who—

- (a) is a refugee;
- (b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was recognised as a refugee; and
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person who—

- (a) is the spouse or civil partner of a refugee;
- (b) was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum;

- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and
- (d) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(3) A person who—

- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee;
- (b) on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
- (c) was under 18 on the date on which the refugee made the application for asylum;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and
- (e) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

### **Persons with leave to enter or remain and their family members**

5.—(1) A person—

- (a) with leave to enter or remain; and
- (b) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person—

- (a) who is the spouse or civil partner of a person with leave to enter or remain;
- (b) who was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made—
  - (i) the application for asylum; or
  - (ii) the application for discretionary leave, where no application for asylum was made;
- (c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
- (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(3) A person—

- (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain;
- (b) who, on the date on which the person with leave to enter or remain made—
  - (i) the application for asylum; or
  - (ii) the application for discretionary leave, where no application for asylum was made,was the child of that person or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;

- (c) who was under 18 on the date on which the person with leave to enter or remain made—
  - (i) the application for asylum; or
  - (ii) the application for discretionary leave, where no application for asylum was made;
- (d) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since that person was given leave to enter or remain in the United Kingdom; and
- (e) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

### **Workers, employed persons, self-employed persons and their family members**

**6.—(1)** A person who—

(a) is—

- (i) an EEA migrant worker or an EEA self-employed person;
  - (ii) a Swiss employed person or a Swiss self-employed person;
  - (iii) a family member of a person mentioned in paragraph (i) or (ii);
  - (iv) an EEA frontier worker or an EEA frontier self-employed person;
  - (v) a Swiss frontier employed person or a Swiss frontier self-employed person;
- or
- (vi) a family member of a person mentioned in paragraph (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support under these Regulations falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

**7.** A person who—

- (a) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (c) is entitled to support by virtue of Article 12 of Council Regulation (EEC) No. 1612/68 on the freedom of movement of workers, as extended by the EEA Agreement

### **Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere**

**8.—(1)** A person who—

- (a) is settled in the United Kingdom;

- (b) was ordinarily resident in the United Kingdom and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence;
  - (c) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;
  - (d) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
  - (e) in a case where the person's ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).
- (2) For the purposes of this paragraph, a person has exercised a right of residence if that person is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who has a right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and has a right of permanent residence, if that person goes to the state within the territory comprising the European Economic Area and Switzerland of which that person is a national or of which the person in relation to whom that person is a family member is a national.

## **EU nationals**

**9.—(1)** A person who—

- (a) is either—
    - (i) an EU national on the first day of the first academic year of the course, other than a person who is a United Kingdom national who has not exercised a right of residence; or
    - (ii) a family member of such a person;
  - (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
  - (c) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.
- (2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the European Economic Area and Switzerland in accordance with paragraph 1(2).
- (3) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state or the family member of a national of that state, the requirement in paragraph (a) of

sub-paragraph (1) to be an EU national on the first day of the first academic year of the course is treated as being satisfied.

**10.—(1) A person who—**

- (a) is an EU national other than a United Kingdom national on the first day of the first academic year of the course;
  - (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
  - (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and
  - (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).
- (2) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national other than a United Kingdom national on the first day of the first academic year of the course is treated as being satisfied.

**Children of Swiss nationals**

**11. A person who—**

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

**Children of Turkish workers**

**12. A person who—**

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

## **Explanatory note:-**

The following is an explanatory note concerning the various categories of student who may be eligible for support under the Financial Contingency Fund (FE). It is merely a guide and does not replace the full criteria as set out above:

- **Persons settled in the UK (paragraphs 2 and 3 of Annex A)**  
‘Settled’ means that the person is normally resident in the United Kingdom and there are no immigration restrictions on the length of that person’s stay in the United Kingdom. Examples of persons with no immigration restrictions are British citizens and those with indefinite leave to enter or remain. In addition they are required to be ordinarily resident in Wales, England, Scotland or Northern Ireland, the Isle of Man or the Channel Islands throughout the 3 year period preceding the first day of the first year of the course. In relation to paragraph 3 of Annex A, the right of permanent residence is a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction.
- **Refugees and their family members (paragraph 4 of Annex A)**  
A refugee who has been ordinarily been resident in the United Kingdom since being recognised as a refugee and is ordinarily resident in Wales, England, Scotland or Northern Ireland on the first day of the first year of the academic course is an eligible student. Also, the spouse, civil partner, or a child of the refugee or a child of the refugee’s spouse or civil partner can be an eligible student. There is no requirement for a refugee or their family members to be ordinarily resident in the United Kingdom throughout the 3 year period preceding the first day of the first year of the course.
- **Persons with leave to enter or remain and their family members (paragraph 5 of Annex A)**  
The term “person with leave to enter or remain” is defined in paragraph 1 of Annex A. It covers those persons who: (a) have applied for refugee status and who have been refused refugee status but who nevertheless have been granted either humanitarian protection or discretionary leave by the Home Office; or (b) have not applied for refugee status but who have been granted discretionary leave by the Home Office and who, in either case have been ordinarily resident in the United Kingdom, Isle of Man or Channel Islands since being granted leave to enter or remain. Such persons also need to be ordinarily resident in the United Kingdom on the first day of the first academic year of the course. There is no requirement for such persons to have been ordinarily resident in the United Kingdom throughout the 3 year period preceding the first day of the first year of the course. Also, the spouse or civil partner of the person with leave to enter or remain can be an eligible student as can a child of the person or a child of the person’s spouse or civil partner.
- **Workers, employed persons, self employed persons and their family members (paragraph 6 of Annex A)**  
European Economic Area (EEA) migrant workers and their families can be eligible students if they are ordinarily resident in the United Kingdom on the first day of the first academic year of the course and have been ordinarily

resident in the area comprising the EEA and Switzerland for the previous three years. (The requirement to be ordinarily resident in the United Kingdom on the first day of the first academic year does not apply to certain 'frontier workers' (as defined in paragraph 1 of Annex A) and their family members).

- **Persons who are settled in the UK and have exercised right of residence elsewhere (paragraph 8 of Annex A)**

This covers persons who were settled and ordinarily resident in the United Kingdom, who left the United Kingdom in exercise of a right of residence in another EU Member State, and who are ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

- **EU nationals other than UK nationals (paragraphs 9 and 10 of Annex A)**

Generally, EU students are not eligible for Financial Contingency Fund Support. However, students who fall within paragraph 9 of Annex A may be eligible for support towards tuition fees (see the 'Tuition fees' in the main document). Students who fall within paragraph 10, namely EU nationals (other than United Kingdom nationals) who are ordinarily resident in the United Kingdom on the first day of the first academic year of the course and have been ordinarily resident in the United Kingdom, Channel Islands or Isle of Man for the preceding 3 years may be eligible for support towards living costs or tuition fees.

- **Children of Swiss nationals (paragraph 11 of Annex A)**

The child of a Swiss national must be ordinarily resident in the United Kingdom on the first day of the first day of the first academic year of the course and have been ordinarily resident in the EEA and Switzerland for the previous 3 years.

- **Children of Turkish workers (paragraph 12 of Annex A)**

The child must be ordinarily resident in the United Kingdom on the first day of the first academic year and have been ordinarily resident in the area comprising the EEA, Switzerland and Turkey for the previous 3 years.

#### **Additional guidance regarding residence:-**

- **Ordinary Residence**

'Ordinarily resident' has been interpreted by the courts (reported in *Shah v Barnet London Borough Council* [1983] 2 WLR 16) as habitual and normal residence from choice and for a settled purpose throughout the prescribed period, apart from temporary or occasional absences. The ruling did not define what might constitute a temporary or occasional absence, but did indicate that it might be possible for an individual to establish ordinary residence in two countries simultaneously.

- **Residence wholly or mainly for the purpose of receiving full-time education**

Certain categories of eligibility provide that the prescribed three-year period of ordinary residence should not include any part, however short, of ordinary residence in the UK and Islands (and in some cases the EEA and Switzerland) wholly or mainly for the purposes of receiving full-time education. It is for FEIs/language centres to decide whether or not an applicant has been resident here 'wholly or mainly' for education purposes.

However, a student is not disqualified from support simply because they have been receiving full-time education during some or all of the three-year prescribed period. To be disqualified, full-time education must have been the main purpose of the student's residence for some or all of the period. For example, the child or spouse of a foreign businessman or diplomat ordinarily resident in the UK and Islands may be receiving full-time education, but may be here mainly to be with their parent or spouse and so be entitled to support if the time requirements are met; a child whose parents are temporarily employed abroad may be receiving full-time education here, but their residence here may be mainly for the purpose of remaining in the United Kingdom with relatives rather than mainly for the purpose of attending school in the United Kingdom.

- **Temporary or occasional absences from ordinary residence**

Where a student falls within a category of eligibility which requires 3 years' ordinary residence preceding the start of the first academic year of a course and when considering whether such a student has been ordinarily resident throughout that period, temporary or occasional absences may have to be considered. Each absence must be considered in the context of the person's period of residence, rather than simply on the basis of the duration of the absence itself. Place of birth or nationality should play no part in this consideration. Each case should be judged on its individual merits. Rules of thumb should not be applied or specified periods of time in order to determine what constitutes a temporary or occasional absence.

The Welsh Government is of the view that a student taking a gap year before entering a further education course does not break their ordinary residence in the United Kingdom and Islands. Such a student can be considered to meet the requirement to be ordinarily resident in the United Kingdom and Islands on the first day of the first academic year of the course if they are still abroad.

- **Temporary employment abroad**

The criteria are also modified for ordinary residence in cases where a student, **their** spouse/civil partner, parents (amongst others) was temporarily employed abroad during any part of the three-year period. It has the effect that a student in these circumstances shall be treated as having met the relevant three-year ordinary residence criteria.



- **Armed forces personnel**

Armed forces personnel on active service abroad, and their children and spouses/civil partners, satisfy the temporary employment provision in paragraph 1(3) of Annex A. This group of people is in a special situation because of the unique nature of their employment, namely that they are bound by military law to accept overseas postings. This exemption does not include armed forces personnel who are not engaged on active service (i.e. teachers or other support staff) who are not under the same degree of compulsion to work abroad, nor does it include reservists. The provision is only intended for servicemen's families who follow them on postings. Students who have been living overseas but not with their parent on active service would not be able to take advantage of this provision.

- **Emigrants**

An absence from the United Kingdom because of emigration should generally not be considered to be a temporary absence but each case should be considered on its merits.

- **Children living in the UK whose parents are temporarily employed abroad**

Children whose parents are temporarily employed outside the United Kingdom will normally retain the relevant connection with the United Kingdom, and therefore be eligible for support, whether they travel with their parents or stay behind. Their residence should not be regarded as becoming 'wholly or mainly for the purposes of receiving full-time education', because they are still here and receiving education while their parents are temporarily employed abroad.

- **Making decisions in other cases**

In other cases it is for each FEI/language centre to decide whether an applicant falls within the terms of temporary absence, i.e. whether they would have been ordinarily resident in the United Kingdom and Islands, or as the case may be in the EEA and Switzerland, and therefore eligible for support, had it not been for the temporary employment abroad. Rules of thumb should be avoided, such as a set number of years. Judgements should be internally consistent.

In reaching a judgement, FEIs/language centres will wish to satisfy themselves that the period abroad arises from employment; judge whether or not the absence is temporary; and decide whether, but for the employment of the applicant (or parents or spouse/civil partner etc.), they would have met the ordinary residence criteria. In making its decision, FEIs/language centres should take into account, among other things, the nature of the posting; the terms of any contract or employer's letter; the period of time spent abroad; the time spent in this country; and whether a residence has been maintained in the United Kingdom.

The onus is on the applicant to satisfy the FEIs/language centres that: their absence was due to employment abroad; and this employment was temporary; and were it not for temporary employment abroad they would be ordinarily resident here.

Further guidance in determining whether an applicant falls within the terms of temporary absence can be found in the Assessing Eligibility chapter of the Local Authority Guidance 2011/12 concerning HE student support.

- **Students from elsewhere in the UK and Islands**

Students who are ordinarily resident in Scotland, England and Northern Ireland on the first day of the first academic year of their course will be eligible for Financial Contingency Funds support, subject to satisfying the other eligibility conditions outlined in this document.

Students who are ordinarily resident in the Channel Islands and the Isle of Man on the first day of the first academic year of their course will not be eligible for Financial Contingency Funds support but may be eligible for support in the area from which they have moved.

## Annex B: Advice on issuing short-term loans from the Financial Contingency Fund

FEIs/language centres will need to make some checks before making a Financial Contingency Fund payment to eligible students. A suggested checklist is below:

- Full name, contact address, telephone number and proof of identity.
- Student is registered or enrolled on a designated course.
- Student has applied for EMA or ALG(FE) or other statutory support if applicable.
- Basic eligibility (see below).

If these checks suggest a payment should be made, the student should be asked to sign a declaration of eligibility if their eligibility had not been checked by the Student Loans Company when applying for EMA or ALG(FE). Some wording is suggested here:

I certify to the best of my knowledge. I meet the following conditions:  
(Please tick the relevant boxes)

### Either

- There are no restrictions on my stay and I am therefore 'settled'\* within the United Kingdom (UK) (i.e. I have the Right of Abode in the UK or have Indefinite Leave to Enter/Remain(ILE/R) in the UK).

### Or

- I have been recognised by the UK Government as a Refugee and Full Refugee Status/ILE/R as a result.
- I have Humanitarian Protection (HP) or Discretionary Leave (DL).
- I am the child/spouse of an EEA Migrant Worker or Swiss Migrant Worker.
- I am the child of a Turkish worker.

\*settled on the first academic year of your course.

### Plus

- I have been 'ordinarily resident' within the UK or Islands for three years immediately before the start of my course (*NB: There is no such 3 year ordinary residence requirement for persons falling within paragraphs 4 or 5 of Annex A. Anyone with HP or DL or anyone recognised as a refugee should have maintained 'ordinary residence' from the date this status was granted. Paragraphs 6 – 9 and 11 – 12 of Annex A require 3 years' ordinary residence in the EEA and Switzerland.*)

- None of this time was wholly or mainly for the purposes of receiving full time education or if it was I was resident in the EEA immediately prior to this three year period.
- The loan is being made because .....

**And**

- I confirm that I am registered and in attendance on the course described in the application for support from the Financial Contingency Fund.

If a student gives inconsistent information, or if the FEI/language centre is aware of contradictory evidence, it should not make a payment. In these circumstances, the student could be asked, for example, to return later, to allow time for further checks to be made. Where necessary FEIs/language centres may make a very small payment to tide such students over to the next interview.

FEIs/language centres should also ask the student to sign a declaration that they will repay the loan. Whilst some recommended wording is below, FEIs and language centres must obtain their own advice as to the terms of the loan agreement which will provide FEIs/language centres with the flexibility to pursue the non-repayment of loans if need be.

I acknowledge receipt of cash/cheque/(other) of £..... from [name of the FEIs/ language centre] and I promise to repay this amount in full:

- By the end of the academic year.
- When I leave the course, whichever is the earlier.

## **Annex C: Form of words for students to give to their Jobcentre Plus office or local authority benefit office**

[*Name of student*] has received a payment of £ [*amount*] from the Financial Contingency Fund provided by the Welsh Government.

Delete as appropriate:

It is a single payment.

It is part of a series of [*number of payments*] payments which will be made during the period [*enter details of period*].

The payment is a short term loan which is repayable [*insert details*].

To the best of my knowledge the student had not applied for this payment to meet everyday living costs.

----- (signed)

On behalf of [stamp or other identification of FEI/language centre].

## Annex D: Completion of the Financial Contingency Fund 2011/12 FE Return

These notes provide guidance for completing the **FCF 11/12 FE Return**, which is to be returned by **14 December 2012** (a reminder will be issued in October 2012). Please take note of the categories of FCF seen in Table 1, which may have changed from that seen in previous years.

**To return the form**, please click the “Send Form” button on Table 5 after completion, and after checking that all validations are shown as “OK”. Doing so will create an e-mail addressed to the relevant mailbox.

**IMPORTANT:** to avoid confusion; please enter all your data **BEFORE** checking the validation boxes since tables are compared with each other.

**ALSO:** where applicable, please treat each award (whether approved or rejected) as a separate application, e.g. if a student applies for 2 different awards on the same form, record as 2 applications. This will ensure consistency across all tables.

### Reason for Payment

Please ensure that any data entered in the categories of support tables includes both the number of awards and the value of support provided. If you have used the Fund to make bulk purchase arrangements (e.g. bulk transport arrangements), please ensure that you enter the number of students benefiting under these arrangements.

Where possible please strive to group Fund payments into the identified categories of support. “Other” **should only be used** where expenditure clearly falls outside the main categories of support.

All transport related expenditure should be included under the transport category unless the expenditure specifically relates to disabled transport, i.e. expenditure on items such as petrol, bulk purchase of transport, taxis (excl. for disabled learners) and bus passes should be grouped under ‘transport’ and not included under the ‘other’ categories.

Expenditure on examination and registration fees should be entered under the corresponding headings. Expenditure on other fees (excluding tuition fees which fall outside the scope of the Fund) should be entered under ‘Other’ and explained in Table 1c.

### Student Details

This section should include details of the number of applications from students applying for and receiving assistance in 2011/12.

- 2(i) Enter the number of applications for assistance during the 2011/12 academic year. This should be greater or equal to the total number of awards seen in Table 1 as some applications may have been rejected.

- 2(ii) This should not exceed the number of applications for assistance in 2(i).

### **Total Financial Contingency Funds Disbursed by Number and Amount**

Please enter the total amount of Financial Contingency Funds disbursed during the academic year, and the range of payments made, including the number of students supported in each range group. The total number of students supported in Table 3 should be the same as the total number of students in 2(ii). **The total amount awarded should equal the amount distributed, as seen in Table 5.**

### **Reasons for Refusing Assistance and Numbers**

Please ensure that the total number of refused applications seen in Table 4 is the same as the total number of applications for assistance in 2(i) less the total number of successful applications in 2(ii).

### **Financial Data**

- 5(i) Enter your 2011/12 allocation. This is the allocation you received in September 2011.
- 5(ii) **Please ensure that the amount in 5(ii) reconciles with the data submitted in your 2010/11 end-of year monitoring return (which is due for return by 16 December 2011).** If this figure has changed from the original return submitted in December 2011, please include a brief explanatory note with your return.
- 5(v) This must not be greater than 10% of the funds for 2011/12. The cell to the right of 5(v) indicates the maximum carry-forward permitted for 2011/12. **Please ensure that the amount in 5(v) matches any amount stated in your *Unspent Allocation Return*, submitted in October.** If this figure has changed since then, you will need to submit a revised unspent allocation return with your end-of-year return.
- 5(vi) FEIs/language centres may use up to 3 per cent of their **2011/12 allocation** (5(i)) or £525 (whichever is the greater) to administer and publicise the scheme. The cell to the right of 5(vi) indicates the maximum administration costs which can be drawn down for 2011/12.
- 5(vii) The interest earned on the Fund (identified at 5(iii)) may be used to defray audit costs). The amount in 5(vii) should not exceed your entry at 5(iii).
- 5(viii) Enter the unused amount of Fund that was returned to the Assembly. **Please ensure that the amount in 5(v) matches any amount stated in your *Unspent Allocation Return*, submitted in October.** If this figure has changed since then, you will need to submit a revised unspent allocation return with your end-of-year return.

If you have any queries on the return, please contact Michelle Morgan on (029) 2082 3895 or e-mail [Post16Ed.Stats@wales.gsi.gov.uk](mailto:Post16Ed.Stats@wales.gsi.gov.uk).