

DEPARTMENT OF EDUCATION

Changes to the Fee-paying arrangements for students in post-primary Boarding Departments of certain Voluntary Grammar Schools.

November 2021

If you require this document in an alternative format e.g. large print, Braille, audio format, easy read or another language, please contact the department:

- Email: DE.FinancialMonitoringTeam@education-ni.gov.uk;

or

- writing to:

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Introduction

1. Due to the UK's exit from the European Union (EU), the Department is required to amend the legislative reference (Article 127 of the Education Reform (Northern Ireland) Order 1989), in relation to certain post-primary pupils at boarding departments of grant-aided voluntary grammar schools. There are currently three such schools licenced to admit pupils (under the child student visa) arrangements.
2. The vast majority of pupils (and their parents) will be unaffected by the proposed change. Other than some specific charges - for example trips, musical instruction, voluntary contributions, etc. (and in the case of certain grammar schools a capital fee, within the limits set by the Department or Preparatory Department fees), day-to-day education for pupils enrolled in grant-aided settings is free and schools are not permitted to charge tuition fees etc.
3. Legislation sets out the conditions under which a pupil may be defined as "excepted" (that is not grant-aided under the Common Funding Formula arrangements), and where the school can charge the parents of such pupils. As a member of the EU, the previous policy of funding pupils (including those in boarding departments), aligned with the provisions for free travel, work and study across the EU. With the decision to exit the EU, the policy now requires to be amended to reflect the new relationships – across the UK and EU, including with the Republic of Ireland and the commitments under the Common Travel Area (CTA) arrangements.
4. For those (non-resident) pupils whose parents choose to have their child educated at one of the boarding departments (currently three grant-aided schools – Campbell College, Royal School Armagh, and Royal School Dungannon); many will continue to be unaffected by the change. Indeed the majority of pupils enrolled in such settings are from NI, ROI, or the rest of the world, with only a small number of 'EU nationals' (excluding Irish nationals), and it is only this latter group (and only those enrolled from the next academic year) that would be affected by the change.
5. Subject to the required legislative amendment by regulations to the current reference of "member states" and its passage through the NI Legislative Assembly,

the Department's policy for excepted pupils at boarding departments would result in the following changes outlined below:

| Classification | Current treatment | After the change |
|--|--------------------------|-----------------------------------|
| NI resident (British or Irish) | Formula funded | Formula funded – no change |
| GB national (England, Scotland, Wales) | Formula funded | Formula funded – no change |
| ROI nationals (Irish or British) | Formula funded | Formula funded – no change |
| NI or UK resident (EU Settled Status) | Formula funded | Formula funded – no change |
| <u>Currently enrolled</u> pupils of EU/EEA/Swiss nationals | Formula funded | Formula funded – no change* |
| <u>New admissions</u> (for admissions from the start of the 2022-23) pupils of EU ⁽¹⁾ (other than RoI) nationals | Formula funded | 'Excepted' pupils |
| Crown Dependencies ⁽²⁾ (Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man) residents | 'Excepted' pupils | Formula funded – under CTA |
| Pupils of Rest of the World | Excepted' pupils | Excepted' pupils – no change |

Notes:

- (1) EU nationals refers to EU, EEA or Swiss nationals Newly admitted (from the 2022-23 academic year) EU pupils (other than RoI Irish nationals) will no longer be formula funded, instead these pupils will be 'excepted' for funding purposes – however, see also the mitigation outlined below.
 - (2) The Common Travel Arrangements (CTA) arrangements include Crown Dependencies (Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man) - pupils of parents who reside here in will cease to be 'excepted' and would now be covered by the funding formula grant-aid.
6. The Department has included provision to continue to treat all pupils of EU nationals, already enrolled at these settings, under the same terms as they were when they joined the school (i.e. formula funded) and the revised definitions only take effect for new EU (other than Irish) national pupils enrolled from the 2022-23 academic year. Based on historical enrolments of pupils in the boarding departments of these schools it is estimated that this change could impact on fewer than ten pupils each year - dependent on enrolment trends going forward.
 7. The amendments to the definitions of excepted pupils at boarding departments does not impact on any other area of education, or for the fee-setting structures for

those schools with boarding departments – schools will continue to be free to determine the fee rates as appropriate in meeting the costs for boarding and / or tuition where pupils are designated as ‘excepted’.

Equality of opportunities

8. An Equality and Human Rights Screening exercise has been undertaken on the current proposals and this change has been assessed as not having a detrimental impact on equality of opportunity. This will be reviewed, to reflect any views or evidence to the contrary from this consultative exercise, on the equality of opportunity for those affected by this policy, for each of the Section 75 equality categories.

Timing of the change

9. It is planned that the required legislative change will be introduced before the end of the current NI Assembly mandate, and subject its passage any change would then take effect from August 2022, prior to the new school academic year.

Further information

10. Further information by way of a question and answer for Frequently Asked Questions (FAQs) for this policy change are included below.

Responding to this consultation

The Department would welcome any views or comments on the proposed changes, and in particular any views or concerns that these changes would have an unfair or disproportionate impact on the equality of opportunity for any of the Section 75 groups.

Responses should be sent no later than **31 January 2022** to:

DE.FinancialMonitoringTeam@education-ni.gov.uk

Or in writing, using the address provided on the first page of this notice.

FAQs – Changes to the definition of ‘excepted’ pupils for funding, in boarding departments of grammar schools

Q1. Does this affect me / my school?

No – unless you are sending your child to the boarding department of certain (one of three) voluntary grammar schools in Northern Ireland, and you fall into the category of certain EU countries (other than as an Irish national).

Q2. Why are you making this change?

As a result of the UK’s exit from the EU, the UK no longer participates in free movement (as set out in EC Directive 38/2004) for work, education and study etc. across the member states. Parents of pupils from an EU ‘member State’ choosing to send their child to a ‘boarding department’ of certain voluntary grammar schools were previously covered under these ‘free movement’ arrangements and pupils were formula funded for their tuition (parents could be charged for boarding facilities). Pupils of parents from the rest of the world countries (outside of the EU) were not formula funded (defined as ‘excepted’ pupils) and schools could charge parents for both board and tuition fees.

Under the new relationship with the UK and EU, (and reflecting commitments within the Common Travel Area (CTA) arrangements), the previous definition for the categorisation of excepted (for funding purposes) pupils from ‘member states’ needs to reflect that certain EU (EEA and Swiss nationals) will be excepted (and schools can charge tuition fees), whereas others (including ROI Irish nationals, GB and Crown Dependencies) these pupils will be formula funded and schools can only charge boarding fees but not tuition fees for them.

Q3. Why can you not just leave the arrangements as they were?

As noted above, as the UK has left the EU and we are longer a ‘member state’, the legislation needs to reflect the new relationship with EU countries, as well as the commitments under the Common Travel Area (CTA) - the long-standing arrangement between the United Kingdom (UK) and Ireland that gives a variety of rights to citizens of those countries.

While the number of pupils of EU countries (other than Irish nationals) impacted is small, the Department has a duty to ensure public money is used fairly and that everyone is treated fairly. As the requirement to conform to the EC directive is no longer applicable, a pupil from an EU country (other than an Irish national) will be treated the same as any other pupil from the rest of the world. They will continue

to able (subject to the necessary child student visa - formerly a “Tier 4” visa - etc.) to attend one of these boarding departments, but from the start of the 2022-23 academic year they will be treated as excepted for funding and the school may charge parents for tuition fees.

Q4. Which schools does this effect?

There are currently three grant-aided voluntary grammar schools with boarding facilities:

- Campbell College, Belfast;
- Royal School, Armagh; and
- Royal School, Dungannon.

Note: other grant-aided schools that previously had boarding facilities and /or are aligned to the boarding provision at the above schools are - Methodist College, Belfast; Victoria College, Belfast; and Strathearn School, Belfast.

Q5. What about other schools such as Rockport school in Holywood?

While Rockport is on the list of schools (where parents can choose to make an application for a child student visa to study at a sponsoring independent school in NI, this is a fully ‘independent’ school. It is not grant-aided like other schools and is therefore unaffected by the changes (as these only relate to the definition of ‘excepted’ for funding purposes in grant-aided schools).

Q6. I am an EU National living in Northern Ireland – does this mean if I send my child to a boarding department of these schools, or any other school that I may be charged fees for their education?

No – if you are resident in Northern Ireland your child will automatically be funded and only where a parent wishes to send their child to one of the boarding departments can they be charged for boarding facilities, but not tuition. The only other permitted charges relate to capital fees (for some voluntary grammar schools) or certain charges for transport, music tuition etc. –as a resident in Northern Ireland (e.g. accorded EU Settled Status), your child(ren) will be formula funded and schools cannot request tuition fees for these education.

Full details of the permitted charges that schools can make are detailed in Chapter II of the [Education Reform \(Northern Ireland\) Order 1989](#) (hereafter referred to as the “1989 Order”).

Q7. Is this just about ‘Boarding Pupils’ – what about ‘Day pupils’ who may be residing with friends/relatives and not in a Boarding facility of the school?

Whether the pupil is residing in approved accommodation as part of the school or residing in other approved/family accommodation this issue relates to the parents’ (of the pupil) residence and nationality for children and young people studying at a sponsoring ‘boarding department’ of one of these voluntary grammar schools. This defines whether or not the pupil is designated as an ‘excepted’ pupil or not, irrespective of where they reside while attending the school.

Q8. As an EU national (other than Irish) with a daughter / son already registered at the boarding department of one these schools – does this mean that from next year I will be asked to pay board and tuition fees?

No. All pupils enrolled [prior to the effective date of the proposed change from August 2022] will continue to be treated on the same basis as they were when they were first enrolled. Therefore if you (as an EU national other than an Irish citizen) have been charged for boarding fees but not tuition, this will continue to be the case until such times as your child moves/leaves school. If your child at the boarding department has been formula funded to date (i.e. they were not classified as ‘excepted for funding’) this designation will not change. The impact is only for any newly enrolled pupils at these boarding departments, from the start of the 2022-23 academic year.

Q9. Why are you making the distinction for currently enrolled pupils and new pupil enrolments?

Pupils already enrolled in the boarding departments of these schools did so under the basis of the regulations and criteria applying at that time. In recognition of this, and to enable these pupils to continue their education, under the same rules as applied when they were enrolled, the revised policy seeks to mitigate any adverse impacts for these pupils, by ensuring that, (should they and their parents wish), they can continue their education under the same terms.

Any new enrolments (for starting school at these boarding departments, from August 2022) will fall under the new legislative definitions and, where applicable, will be treated as ‘excepted’ for formula funding, and parents may be charged

tuition fees by the school (along with any associated board facility fees etc. as appropriate) - in the same way as other pupils of nationals of the rest of the world.

Q10. My child was previously enrolled in the boarding department of one of these schools, but transferred to a different school for a couple of years. We are considering re-registering them at the boarding facility again in the coming year to undertake their A Level studies. Will I be liable for tuition fees?

Yes – as this is a new enrolment, applying after the UK's exit from the EU and the legislative change to the definitions for 'excepted pupils', you would be liable for tuition fees as the school would not receive formula funding for them. Mitigation (continuing to treat pupils in the same way as they were when originally enrolled) applies only to pupils continuing their study, and not enrolments where there is a break before being re-enrolled.

Q11. I am an EU citizen and already have one child enrolled (for the last 2 years) in one of these boarding departments. I am considering sending a second child to the same school to board in a few years' time. What Tuition Fees am I liable for?

For the child already enrolled, as outlined, they will continue to be formula funded (under the same rules applying when they were first registered), however your second child will fall under the revised legislative definitions and therefore you may be liable to pay tuition fees for their education, after the start of the 2022-23 academic year.

Q12. We are EU nationals living in the Republic of Ireland (ROI) and we are considering sending our child to a boarding department of one of the voluntary grammar schools in Northern Ireland. Will we be liable for tuition fees?

Yes. While the Common Travel Area (CTA) agreement means that British and Irish citizens within the UK and Ireland will continue to have the same rights (including free education for pupils attending schools here), these rights do not extend to other nationals who are living in those countries. As an EU national (other than Irish) resident in the ROI, if you choose to send your child to one of these boarding departments, they would be classified as 'excepted' for funding purposes and you would be liable for tuition fees.

Q13. I am an EU national (other than ROI) but my child has a British / Irish passport – do I need to pay Tuition fees?

No - under the CTA arrangements, as your child is a British / Irish citizen (within either the UK or Ireland), your child will be counted for funding purposes and will not be 'excepted' – therefore you would not be liable for tuition fees.

Q14. I have dual nationality (Polish and Irish), but neither my partner nor my child are registered as citizens of the UK or ROI – will I be liable for Tuition Fees?

No - as above, provided you have either British / Irish citizenship you are covered by the CTA arrangements and are not, therefore, liable for tuition fees.

Q15. I live in Manchester and am planning to relocate to NI. I wish to apply for my child to study in the boarding department of one of these schools until I relocate. Will I have to pay Tuition Fees?

If you are a British or Irish national (or you have EU Settled Status) you would not be liable for tuition fees. You can make an application for a Post-Primary place at the school of your choice, including at a boarding department of one of the four voluntary grammar schools, however, priority is given to children residing in Northern Ireland at the time of their proposed admission⁽¹⁾.

Note ⁽¹⁾: When completing the application, you must use your child's address as at the time of making the application.

Q16. I am a resident of the Isle of Man / Channel Islands, and wish to send my child to one of your voluntary grammar schools' boarding facilities – will I need to pay Tuition Fees?

No, as with UK and ROI nationals, under the CTA arrangements if you choose to send your child to study at the boarding department of one of these voluntary grammar schools you will not be required to pay Tuition Fees.

Q17. Will this change mean that these grammar schools will vary their fee rates etc.?

The Department does not prescribe the rates that such schools can charge for 'excepted' pupils, for board and lodging and/or tuition fees. Any changes to the fee rates etc. that such schools make are a matter for the individual school.

Q18. Will I continue to pay boarding fees for my child?

Yes - if you choose to send your child to a school under their boarding arrangements you will continue to be liable for any board and accommodation charges set by the school. The arrangements for such charges are outlined in Article 135 of the 1989 Order and are unaffected by the proposed change to Article 127, relating to whether or not a pupils is excepted for formula funding or 'excepted' in which case tuition fees may be levied.

Q19. What about other fees such as the Capital Fee and Voluntary contributions that I am required to pay?

Full details of the permitted charges that schools can make are detailed in Chapter II of the 1989 Order. Certain schools can levy Capital fees and all schools can seek voluntary contributions. Neither of these are affected by the changes to the definitions of 'excepted pupils' in boarding departments.

Q20. I have a child attending a Preparatory Department of a local grammar school – will this affect the tuition fees for these pupils?

No - Preparatory Department pupil admissions do not adhere to the usual 'open enrolment' arrangements used for all other grant-aided primary school settings. Schools with Preparatory Departments receive only partial funding for such pupils and it is for the school to determine appropriate fee-charging arrangements to cover the remainder of the costs and ensure that this does not impact on the finances of its secondary department. These arrangements are unaffected by the changes to Article 127 of the 1989 Order with reference to the (post-primary) 'boarding departments' of a small number of voluntary grammar schools.

Q21. Are you making any allowances/ changes in relation to other foreign nations, for example Hong Kong pupils?

Other than individuals with British National (Overseas) status (see Apply for citizenship if you have British nationality: You've lived in Hong Kong - GOV.UK (www.gov.uk), as a resident in the rest of the world these individuals previously were required to pay tuition fees to send their children to be educated, and the changes arising from the UK exit from the EU has not changed the status of individuals from such nations.

Q22. Have these changes been reviewed for Equality & Rural impacts?

Yes – an Equality and Human Rights Policy screening has been undertaken on the proposed revisions and this does not identify any impact on equality of opportunity for any Section 75 group, and no detrimental impact on rural communities. The changes affect (some) boarding pupils who are not NI residents (and whose families are not NI residents).

Q23. Who is responsible for implementing the revised policy and how will these arrangements be monitored?

The relevant voluntary grammar schools will be responsible for ensuring that newly enrolled pupils in their boarding departments (from the start of the 2022-23 academic year) are correctly classified under the new definitions, and as appropriate levying the required fees of parents where the pupil is designated as an 'excepted' pupil for funding. Schools must also ensure this information is provided to the Education Authority (EA) – which is the funding authority for all schools and also has overarching responsibility for the admission of pupils to schools. The EA uses information (provided by every school as part of their annual census return), to ensure the correct pupil numbers are used to calculate the formula funding provided to the school (with 'excepted' pupils not formula funded).

The EA and the Department through its reporting to the NI Statistical Research Agency (NISRA), will monitor the impacts of these changes going forward.

Q24. Does the designation of a pupil under this policy have any impact on their ability to access or choice for further or higher education in Northern Ireland?

Once your child leaves school to go to further or higher education, different rules may apply depending on your circumstances. Further information on financial support for EU students is available on NI Direct [Financial help for EU students | nidirect](#)

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| Q24. Who do I contact if I have further questions or need more information? |
| <p>If you have a specific query about the admission arrangements for a particular school you should contact the school directly.</p> <p>If you have a general query on the revision to this policy, please use the contact details provided at the beginning of this document.</p> |