

## **Part 3: Access Bursaries and Hardship Fund: guidance 2002-03**

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## Introduction

1. This guidance covers advice for administrators on Access Bursaries, the Hardship Fund and the Fee Waiver scheme for part-time students in 2002-03.
2. Section 1: 'Essential information for administrators' contains new information for 2002-03, and experienced administrators may only want to refer to this. The guidance also includes a section on frequently asked questions, which administrators may find helpful as a first point of reference.

### The DfES review of targeted support 2001

3. The support provided through Access Bursaries, Opportunity Bursaries, Fee Waivers and the Hardship Fund plays a key part in helping to deliver the Government's widening access policies, and in particular to provide targeted help for students from low-income backgrounds. Together with several new grants for student parents, and continued help for disabled students, this has led to a significant increase in the funding available to vulnerable students. We recognise that it has also resulted in a complex system that is difficult for students to understand and access, and causes burdens for administrators.
4. The DfES has therefore set up a review, led by Dr Philip Harris from the University of Manchester and involving administrators from both HE institutions and LEAs. The review has looked specifically at ways in which the additional support provided for students with children and others facing financial difficulty can be improved to provide:
  - a simpler set of arrangements which is easier to understand and apply for
  - more confidence and certainty for students over the financial support available to them
  - arrangements which are easier to administer for institutions, LEAs and the Student Loans Company
  - clear and consistent eligibility criteria.
5. The DfES will be consulting fully on the proposals coming out of the review and will provide detailed advice on any changes well before they are implemented.

### Funding for Access and Hardship Funds in 2002-03

6. The DfES has made no significant changes to the overall package of support available for students in 2002-03. The funding set aside for Access Bursaries for student parents in 2002-03 is slightly less than in 2001-02. This is because there will be fewer students eligible for lone parents grant and the higher £1,000 Access Bursary. Student parents will also be eligible for help with their childcare and other costs through the statutory grants.
7. The Hardship Fund is maintained at the same level as 2001-02. There will be increased funding for Fee Waivers for part-time students and more Opportunity Bursaries in 2002-03. The total amount of funding provided to HE institutions in England in 2002-03 through the Student Support Funds will be **£92 million**, an increase of 5 per cent over 2001-02.
8. Institutions will again this year receive a single allocation for their Access Bursaries and Hardship Fund. Although we previously told institutions that a breakdown could be provided showing how much is included within an individual allocation for Access Bursaries, HEFCE is not able to provide this, as it does not distinguish between the two budgets when deciding allocations. Spending

on these bursaries in 2001-02 should give institutions a guide to the amounts they are likely to need to set aside for this purpose in 2002-03.

#### **Funding for administration costs**

9. The Council will again be providing institutions with specific funding to improve the promotion and administration of student support services in institutions. Institutions are encouraged to use some of this funding to ensure that the support available through the Hardship Fund and Access Bursaries is effectively publicised for prospective and existing students. Institutions can use this funding for Student Union advice services if they wish.

#### **Opportunity Bursaries 2002-03**

10. Initial allocations of Opportunity Bursaries for those entering higher education in 2002 are included in this guidance at Part 2. Information on eligibility and how to process applications for Opportunity Bursaries is contained within the supplementary guidance, issued as 'Student support funding' (HEFCE Circular Letter 17/01).

#### **Viring**

11. Institutions may vire between their Hardship Fund and Fee Waiver budgets if necessary or appropriate to best manage their allocations. However, Opportunity Bursaries funding must be kept separate and no virement from this budget is allowed. If there is unspent Opportunity Bursaries funding available in December 2002, this will be reallocated to institutions in January 2003.

## **Section 1: Essential information for administrators**

### **Changes to previous guidance for 2002-03**

#### **Bursaries for Foyer residents**

1. The Foyer Federation is a charity that works with the young homeless. The Federation has been trying to raise aspirations amongst those among their residents who have the potential to benefit from higher education.
2. These young people who face real obstacles and receive no financial support from their parents, do not have savings to rely on, have to pay for their own accommodation outside of term time, and some are already in debt as a consequence of past chaotic lifestyles. For the first time this year Foyer students are a priority for help from the Hardship Fund.
3. The Secretary of State expects HEIs to use some funding from within their Hardship Fund allocations to offer bursaries to Foyer students and any other young homeless students they become aware of. The Foyer Federation has reached agreement with a group of charitable trusts that they will provide funding to support mentors for any Foyer students who are accepted into HE (see Annex F). To encourage these students into HE, bursary commitments need to be given to Foyer students as soon as they have accepted Unconditional or Conditional Firm Offers. Bursary commitments should be given for the duration of the course.
4. The bursary will mainly be used to help meet accommodation costs outside of term time, but can also be used for general course and living costs. The amount of bursary is suggested by the Foyer Federation at £1,000 for each year of the course. Additional funding to cover higher accommodation costs will be provided to a Foyer student from charitable sponsorship, which the Foyer Federation is responsible for arranging.
5. The number of Foyer students who have the potential to enter HE is small: up to 100 such students a year in the UK are likely to need a bursary. Any Foyer student applying to study on an HE course will be brought to the institution's attention by the local Foyer. As Foyer students would almost certainly meet the criteria within institutions for help from the Hardship Fund, giving a bursary should not impact on the ability to help other students. The mentor appointed by the Foyer will continue to support the student during their HE course and will provide a link between the institution and the student if there are any problems.
6. Institutions can also offer a bursary to any postgraduate students from Foyers, and those who have already started a first degree course and may be in their second or third year of the course. Nursing and other students from Foyers who are receiving an NHS bursary (including those with non means-tested bursaries) can also apply for a bursary from the Hardship Fund.
7. There will be no need for HEIs to undertake any separate means-testing of Foyer students for the bursary. Their residence within a Foyer will be sufficient evidence to award them this support.
8. As well as the bursary, Foyer students can be given extra financial help through the Hardship Fund if institutions wish to do so; and those applying to an HEI from study at a school or college in an Excellence in Cities (EiC) or Education Action Zone (EAZ) area can also apply for an Opportunity Bursary from that HEI.

9. For more information about the Foyer Federation visit its web-site at [www.foyer.net](http://www.foyer.net)

### **Changes to student support regulations on upper age limits, young married students and disabled students**

10. The upper age limit (50 or 55) for dependants' grants – including childcare grants, school meals grants and travel grants – will be removed from 2002-03. (They will continue however to apply to loans.)

11. From 2002-03 a student will be treated as married from the beginning of the next academic year after they marry, so that no parental contribution will apply, and their spouse may be liable for a contribution instead. This replaces the previous provision that they must have been married for at least two years before a parental contribution ceases to apply.

12. From 2002-03 all disabled students on part-time initial teacher training courses, including distance learning courses, will be able to apply for disabled students' allowances. The previous restriction that they must attend full-time for at least six weeks in an academic year has been removed.

### **Support for students with dependent children**

13. Students with dependent children are eligible to apply for additional targeted support, much of which is non-discretionary. The key elements of their package are:

- a. An additional £255 in the dependants' grant for the first child.
- b. A grant for travel and books/equipment of £510.
- c. A childcare grant for students using registered or accredited childcare (see below).
- d. Transitional arrangements for existing lone parent students who may choose to retain the lone parents grant or to apply for the childcare grant.
- e. Bursaries through the Access Fund for both new and existing students. Students with children who are eligible for a dependants' grant and who are not entitled to the lone parents grant will be able to apply for an additional bursary of up to £500, depending on need. Existing students who decide to retain the lone parents grant can apply for a bursary of up to £1,000.

### **Childcare grant**

14. For full-time students with dependant children in registered or accredited childcare.

15. A student will not be eligible for the childcare grant if they are in receipt of the lone parents grant. The amount of childcare grant payable may be reduced by the means-test.

For one child

16. The childcare grant will pay up to £114.75 a week (85 per cent of actual costs of up to £135 a week) during term time and short vacations, and up to £94.50 a week (70 per cent of actual costs of up to £135 per week) during the long vacation.

For two or more children

17. The grant will pay up to £170 a week (85 per cent of actual costs of up to £200 a week) during term time and short vacations and up to £140 a week (70 per cent of actual costs of up to £200 per week) during the long vacation.

18. A definition of accredited or registered childcare is at Annex A.

19. The childcare grant, the extra dependants' grant of £255 and the travel, books and equipment grant are fully disregarded by the Department for Work and Pensions (DWP) define for benefits purposes, in addition to the disregard already applicable for the student loan. Bursaries are also disregarded if they are given to meet course-related costs.

20. The childcare grant and the new travel, books and equipment grant will be administered through local education authorities (LEAs) and paid to students by the Students Loan Company.

### **Bursaries through the Access Fund for both new and continuing students**

#### Access Bursaries in 2002-03

21. There will be four categories for support from Access Bursaries in 2002-03:

- continuing students in their second or any further year who received a bursary in 2001-02
- new students with dependent children
- Opportunity Bursaries for young disadvantaged students
- bursaries for students not receiving any of the above.

#### **Bursaries for continuing students in their second or any further year who received a Bursary in 2001-02**

22. Continuing students in their second or any further year who received a bursary in 2001-02 should be considered for a bursary in 2002-03. Unless their circumstances have changed, continuing students who received one of these bursaries should be awarded the same level of support that they received in 2001-02: up to £1,000 if they are receiving lone parents grant, or up to £500 if they are entitled to the new childcare package.

23. Where institutions used some of their Hardship Fund allocation to provide bursaries of more than £1,000 or £500 in 2001-02, they can do so again in 2002-03. Institutions should advise continuing students to apply through their LEA to determine whether they can apply for the childcare grant or whether they should continue to receive the lone parents grant.

#### **Access Bursaries for new students with dependent children**

24. Arrangements for new students in 2002-03 are the same as in 2001-02. Access Bursaries of up to £500 are available for students with children and who are eligible for dependants' grant or childcare grant, or both. Institutions have discretion to give a higher bursary if they judge this is appropriate, and to judge students' individual needs in deciding how much bursary to give.

25. These bursaries are intended to meet childcare where the childcare grant does not cover all such costs; and specific child-related or course-related costs. For example, some student parents will use informal childcare, and will not qualify for the childcare grant. Others will have little or no childcare costs – for example, if their children are older – but have other child-related or course-related expenses. Others may receive substantial help from the childcare grant, but need further help to meet all their childcare costs. The bursaries can also be used to pay for course-related costs, such as books or travel not met by the books/equipment or travel grants, or for educational expenses for their children, such as school uniform, sports kit or equipment, or school trips. They may also be used for other child-related expenses if provided as a single payment.

### **Payment of Access Bursaries**

26. Institutions are encouraged to offer students an Access Bursary before they start the course, or, in the case of continuing students, before the start of the next academic year. In cases where there is doubt over whether a student is retaining lone parents grant, institutions may wish to consider offering a bursary of £500 with the balance to be paid once it is clear that the student is not applying for the childcare grant. As far as possible, institutions should encourage students to provide an estimate of how much childcare they are likely to need, and to give students information in advance about the attendance requirements for their particular course, to avoid delays in LEA assessments for the childcare grant.

27. Institutions are, of course, able to provide additional help from the Hardship Fund to meet a student's childcare costs, if the amount they receive from the childcare and other grants and the Access Bursary is not sufficient to cover these.

### **Other bursaries**

28. In addition to the two categories of bursary explained above, institutions continue to have discretion to award other bursaries. There is no longer a limit on the amount that institutions can spend on these additional bursaries. Institutions might consider using this flexibility to offer bursaries to students from disadvantaged backgrounds who are not eligible for an Opportunity Bursary, or students with dependent children who do not receive dependants' or childcare grant because they are not wholly or mainly responsible for a child but still have child-related costs.

29. Where institutions are awarding bursaries from their Hardship Fund to students who do not qualify for an Opportunity Bursary or an access bursary as a student parent, the students will be required to take out their full entitlement of student loan before the bursary can be paid.

### **Funding for consortia arrangements**

30. There has been some confusion over responsibility for Access and Hardship Funds for students who are covered by HEFCE-recognised funding consortia arrangements. The arrangements remain the same in 2002-03 as previous years. Institutions involved in HEFCE-recognised funding consortia may find the following clarification helpful.

31. A consortium recognised by HEFCE for funding purposes enables HEFCE grant to be distributed to a group of institutions through a single lead institution. In a consortium, the students remain attached to the individual institutions that are members of the consortium. However, the HEFCE grant flows through a lead institution that takes responsibility for co-ordinating and accounting for the allocation and use of funds. It is for members of the consortium to agree who should lead. The institution or body that makes awards and validates the relevant HE programmes (which may or may

not also be a member of the consortium) retains responsibility for the academic standards of the awards made in its name.

32. For students in a recognised consortium, allocations of Access and Hardship Funds will be made to the individual institution where the student is attending the course and not to the lead institution. This is different to the arrangements for franchised students, who are counted within the allocations to the franchising institution.

### **Foundation degrees**

33. In some cases students on Foundation Degrees will be studying at two institutions as part of their course. Where this happens, it is the institution responsible for returning student data to HESA that is responsible for counting those students and for providing Access and Hardship Fund support. HEFCE has issued advice on this, (HESE01HEFCE Publication 01/52, Annex B). In future years, allocations for Access & hardship Funds will reflect these student numbers. Where institutions are 'sharing' students on Foundation Degree courses, they are asked to ensure that they understand which institution should take responsibility for counting students and for accepting applications for Access and Hardship Funds. The DfES expects the arrangements put in place to be as helpful as possible to the students affected.

### **Eligibility for Fee Waivers for students with a low income**

34. In addition to students on the specified benefits and tax credit recipients, students whose net income after national insurance and tax deductions is at broadly the same level as tax credit recipients – that is, £11,543 – can be considered for a Fee Waiver and are not required to be in receipt of tax credits or any qualifying benefits.

### **FE students studying in HEIs**

35. Although the guidance here is intended to apply to all students studying at HE institutions, including FE students, we have been made aware that part-time FE students are being disadvantaged by the HE rules. The guidance on Learner Support Funds for FE students does not restrict support for part-time students to those studying 50% or more of a full-time course. The DfES' policy for HE students is that they should receive the same support, regardless of whether they are studying at an HE or FE institution. The same policy should also apply to FE students.

36. All part-time FE students should therefore be able to apply for help from the HE Hardship Fund, and should not have to be studying on a 50% or more FTE course to qualify.



## Section 2: Hardship Fund guidance

### Purpose and scope

#### Purpose

1. The Hardship Fund provides financial help to students who face difficulty in meeting their living costs or course costs, whether as a result of their personal circumstances (for example, student parents or disabled students) or because they fall into hardship unexpectedly. The fund cannot be used to meet the cost of tuition fees for any full-time students.

#### Eligibility

2. Institutions can use the Hardship Fund to help home students in one of the following categories:

- undergraduate students, either full- or part-time including distance learners, following a higher education course including sandwich courses and any periods of placement and foundation degrees
- postgraduate students, either full- or part-time, following a course of higher education at a level above first degree, including those who are writing up their thesis and not therefore attending the institution
- further education students, either full- or part-time, who are aged 16 or over and are following a course of further education, including sandwich courses and any periods of placement.

3. A home student is defined as one who meets certain conditions that also apply to eligibility for a student loan. Full details on eligibility and residency rules are at Annex C.

#### Part-time students

4. To qualify for help, a part-time student must be studying at least 50 per cent of a full-time course. An exception to this limit can be made in the case of disabled students whose disability prevents them from studying at least 50 per cent of a full-time course. These students are not eligible for a Disabled Students Allowance (DSA) and may need additional support. These students must be studying for at least 25 per cent of a full-time course to be eligible for a payment from the Hardship Fund.

5. When deciding whether a course is 50 per cent full-time equivalent (FTE) or not, institutions should consider how long it would take to achieve the relevant qualification if the course were taken full-time. The calculation used should be the same as that used to calculate the FTE for the annual statistical return for HESA. If the part-time course would take more than twice as long to complete as a full-time course, it is unlikely that a student on that course would qualify for a Fee Waiver. It can be difficult to assess this 50 per cent rule where no full-time equivalent course exists. In these cases, institutions may find it useful to compare the length of study to a more measurable course, perhaps in another institution if appropriate.

#### Support for HE students at further education colleges

6. Support from Access Bursaries, the Hardship Fund and the Fee Waiver scheme for HE students on franchised courses, or who are on a course provided jointly by an HEI and a further education institution, are the responsibility of the parent HEI, but support for other HE students at FE colleges (including those in HEFCE-recognised consortia) are the responsibility of the FE college. Student support funding is now provided directly to FE colleges for these HE students. A total of £5.4 million will be available for HE student support for FE colleges in 2002-03.

### **Eligibility of students from Wales, Northern Ireland and Scotland**

7. Students from Wales, Northern Ireland or Scotland are eligible to apply for bursaries or for help from the Hardship Fund. Institutions should take into account any support the student is receiving from their country of domicile. Statutory support in Scotland differs from that in the rest of the UK. Where institutions have a query about the support a Scottish student is receiving, or entitled to receive, they are advised to ring the Student Awards Agency for Scotland helpline on 0131 476 8212.

### **Priority for help from the Hardship Fund**

8. Student parents, especially lone parents, remain a priority for support. Institutions should ensure that in setting aside funding for Access Bursaries, they are also able to meet the needs of other vulnerable students from the Hardship Fund. Students who began their courses in 2000-01 or earlier may need more help than those on courses from 2001-02 onwards. Other priorities should be:

- Foyer residents and other homeless students
- mature students with other financial commitments
- disabled students
- final year students
- care leavers over 18.

### **NHS bursary holders**

9. Students who receive a non-means-tested NHS bursary are not eligible for help from the Hardship Fund. Students who receive a means-tested NHS bursary are eligible to apply for help from the Hardship Fund. NHS students in this category are not, however, eligible for lone parents grant, dependants' grant or the childcare grant, and cannot apply for an Access Bursary.

### **Help with the costs of diagnostic tests for disabled students**

10. Disabled students, especially those with dyslexia, may have difficulty meeting the cost of the diagnostic test which they need to undertake when applying for a Disabled Students Allowance. The cost cannot be provided by the DSA, even retrospectively, for legal reasons. Assistance in meeting the cost of the test, and associated costs such as travel to and from the assessment centre, may be provided through the Hardship Fund. It is not necessary for students to have applied for a Hardship Loan before receiving help to pay for a diagnostic test.

### **Teacher trainees, including those on flexible PGCE courses**

11. Students on initial teacher training courses must have applied for help from the Secondary Shortage Subject Scheme, if eligible, before applying for the Hardship Fund. Postgraduate (PGCE) trainees eligible for the training salaries announced on 30 March 2000 should expect to have these taken into account when making an application for help from the Access and Hardship Fund (including bursaries). There may, exceptionally, be a few students on flexible PGCE courses who are in financial hardship. They are eligible to apply for the Hardship Fund and, where the student is also eligible for student support, an Access Bursary. Institutions should take into account any other income the student receives, such as their training salary or a student loan, and must ensure that their support from the fund only covers the period that the student is on the course.

### **Dance and drama award students**

12. Students in receipt of a dance and drama award for a higher education course, and who meet the residency requirements, are eligible for the Access and Hardship Fund, via their connected higher education institution. Their numbers have been taken into account in allocating funding to the

connected institution. Institutions should ensure that dance and drama award students are aware of the Access and Hardship Fund and know where to apply for help. A list of providers and connected institutions is at Annex D.

## **Treatment of student loans**

### **Full-time students**

#### Main student loan

13. A full-time student must have taken out a student loan, if eligible, and applied for the full amount to which they are entitled, before receiving help from the Hardship Fund. The only exception to this rule is where institutions make emergency payments to students at the beginning of term. Students can be asked to show their financial support notification and payment schedule from the Student Loans Company as evidence that they have taken out their maximum assessed entitlement. If the assessment is provisional, institutions may wish to check the revised notification before making further payments from the Hardship Fund. However this does not mean that HEIs should refuse to help 'provisional' students who have not received a revised notification since they were first offered help. Student parents (and Foyer students) can be given an Access Bursary without having to take out their full student loan entitlement, but should not receive further help from the Hardship Fund until they have done so.

#### Hardship loan

14. Students with dependants, mature students aged over 25, disabled students and students who enter HE with pre-existing debts, are not required to take out a hardship loan before receiving help from the Hardship Fund. The DfES recommends that institutions meet the needs of these groups of students through the Hardship Fund wherever possible, leaving the hardship loan budget available in the main for other students.

15. Institutions may wish to refer to the hardship loan guidance for 2001-02, which was issued in June 2000, for further advice. Copies are available from the DfES, please refer to the contact list at the beginning of this document.

### **Part-time students**

16. Part-time students who are eligible for a loan but have chosen not to apply for one, should not receive help from the Hardship Fund. Where part-time students have applied, or are intending to apply for their loan during the first term, they may be given help from the Hardship Fund, but any subsequent payments or instalments of payments should only be made after the student has confirmed their application or received their loan. Institutions may wish to bear in mind that the timetable of payment for part-time loans may be brought forward in 2002-03. In effect this will mean students should be able to apply for and receive their loan during the first term. Institutions should take into account the £500 they expect to receive from the loan when assessing the students' income. Part-time students who are not eligible for the part-time loan may still apply to the Hardship Fund, although institutions will want to look carefully at their need, given that their income is too high to receive a loan.

### **Students on benefit in the second and subsequent year of their course**

17. First year students who have not yet registered with their institution will still be able to claim any income-related benefit to which they are entitled until they commence their course.

18. For continuing students, however, the DWP takes the student loan into account from the first benefit week in September to the last benefit week in June inclusive. These students may find themselves with insufficient support during the period from when their benefit stops until they receive their loan cheque, and may need help from the Hardship Fund. Institutions may wish to set aside funds which they can carry forward into the new academic year in order to ensure they have sufficient resources to help these and other students who may need help during the summer vacation period. Institutions should note that students on benefit will not have their benefit payment reduced during the long vacation, because their student loan will already have been treated as income over the 'period payable'.

#### **Short-term loans to students who have not received their loan cheques**

19. We expect there to be very few students who will not have received their loan cheque at the start of the academic year, but there may be some who make a late decision to enter higher education, and who therefore do not apply for support in time to receive their cheque early in the term. Where students in this position are going to be in hardship, the Secretary of State asks institutions to help them with a payment from the Hardship Fund. This should be in the form of a short-term loan. Institutions only need to help with students' immediate needs over a few days or weeks, and only if the student has no other resources, such as parental support or summer job savings. Institutions should make every effort to recover these loans, unless they have been converted to a grant payment because of the student's general circumstances. More detailed guidance is at Annex E.

#### **Sick students and other students who are unable to attend their course**

20. Students may still receive help from the Access and Hardship Funds if they have stopped attending their course in certain circumstances.

##### Full-time undergraduates

21. In the case of full-time undergraduates, the Student Support Regulations allow for an automatic disregard of absence for 60 days, if the student is ill. A student is entitled to receive any instalment of student loan and other allowances during this period. Where a student is not attending for other reasons, such as bereavement or illness, continuation of loan instalments and other allowances is at the discretion of the LEA. Institutions may make payments from the Access and Hardship Fund during this period where the LEA continues to support the student. If the HEI has notified the LEA that the student has withdrawn from the course, and the LEA ceases to support the student, institutions should not make payments from the Access and Hardship Fund.

22. At the end of the 60 days, LEAs have discretion to continue to support students. Institutions also have discretion to provide help through the Access and Hardship Fund in these circumstances, provided they are satisfied that a student has not abandoned, withdrawn from or been expelled from the course and that the student intends to return to the course. They should take into account any financial support the student is receiving.

##### Other students

23. Institutions have discretion to make payments to other students from the Access and Hardship Fund if they are not attending their course for reason of illness, caring responsibility or some other reason. The institution must be satisfied that the student has not abandoned, withdrawn from or been

expelled from the course, and that the student is intending to return to the course. Institutions should take into account any benefit or other financial support which the student is receiving.

24. Students who are absent from the course because of illness or caring duties and who cannot return to study until the following academic year will be eligible for Jobseeker's Allowance for the period after their caring duties end or they recover from their illness until the first day of the next academic year. However, they may still not be able to return to the course until after the academic year has started. Institutions have discretion to help such students from the Hardship Fund during any continuing absence as long as they are satisfied that the student is intending to return to the course during the academic year.

### **When and how payments from the Hardship Fund should be made**

25. Payments from the Hardship Fund, like bursaries, can be agreed in principle prior to the start of the academic year. This is particularly helpful for financially vulnerable students, such as those on low incomes with children. Payment cannot be made until the student has started the course. The Hardship Fund should not normally be used to make very small payments; we recommend a minimum level of £100. Very large payments reduce the money available to other students. We recommend a maximum payment to a student from the Hardship Fund of £3,500, except in cases where a student has been awarded an Access Bursary of £1,000 or is in the first year of an Opportunity Bursary, where we recommend a maximum award from the combined funds of £4,500 per year. Payments can be made directly to a student, or to a third party with the student's permission. Help can also be given indirectly through the provision of items (for example, a PC) or through a short-term loan.

### **How payments from the Hardship Fund will be treated by the Department for Work and Pensions**

26. Any payment from the Hardship Fund which is for course-related costs, such as childcare will be disregarded by the DWP for benefits purposes. This includes Access Bursaries provided they are not for general living costs. Any payment which is a 'one-off', such as paying an electricity bill, will be disregarded provided the student's capital holding does not exceed £3,000. Where Hardship Fund payments are for everyday living costs such as rent, food, utilities or clothing, and are not paid as a 'one-off', they will be taken into account for benefits purposes with a £20 a week disregard. This £20 disregard will include the £10 a week disregard of the student loan if applicable. It will help students who have received a payment from the Hardship Fund in claiming benefits if they are given a document to present to their local Benefits Agency. The suggested form of words is at Annex B.

## **Section 3: Guidance on Fee Waivers for part-time students**

### **Introduction**

1. The eligibility criteria for the Fee Waiver scheme in 2002-03 are broadly the same as in 2001-02. The additional criteria, circulated as part of HEFCE Circular Letter 17/01 in October 2001, have been incorporated.

### **Eligibility**

2. Home or EU students (see Annex A for a definition of a home student) undertaking a part-time undergraduate course which is equivalent to at least 50 per cent of a full-time course are eligible for Fee Waivers, depending on their circumstances. An EU student is one who is a national of a member State of the European Community or a child of such a person who has been ordinarily resident in the EEA throughout the three-year period preceding the first day of their course, excluding any periods wholly or mainly for the purpose of receiving full-time education.

3. When deciding whether a course is 50 per cent FTE or not, institutions should consider how long it would take to achieve the relevant qualification if the course were taken full-time. The calculation used should be the same as that used to calculate the FTE for the annual statistical return for HESA. If the part-time course would take more than twice as long to complete as a full-time course, it is unlikely that a student on that course would qualify for a Fee Waiver. It can be difficult to assess this 50 per cent rule where no full-time equivalent course exists. In these cases, institutions may find it useful to compare the length of study to a more measurable course, perhaps in another institution if appropriate.

### **Previous study**

4. Students are not eligible for a Fee Waiver if they already have a degree qualification, except where they have lost their job since starting their course. Where students have undertaken higher education study, but did not complete their degree (or other qualification), they are still eligible. Students who have a sub-degree HE qualification which they want to top up to degree level are also eligible.

### **Special cases for students with a degree qualification**

5. Some students who wish to study part-time may have obtained their degree qualification straight from school and may have been in employment since then, or have taken time out to raise a family. Where a significant period has elapsed since the student obtained their degree and they wish to undertake a part-time course to upgrade their qualifications and/or skills to re-enter the labour market, or to make a career change, institutions have discretion to grant a Fee Waiver providing the student can show that they intend to use the new qualification/skill to take up employment after they complete their course.

6. Institutions who wish to help part-time students in this position must be able to absorb the cost within their Fee Waiver allocation, although they can vire resources from the Hardship Fund if this is not sufficient.

### **Fee Waivers for unemployed students who wish to undertake a taster module**

7. In response to representations from the sector, and as an incentive to encourage unemployed people who may be thinking of taking a part-time course but who are reluctant to commit to a 50 per cent course, institutions can undertake to refund (or agree to defer) collection of any fees for a single 'taster' module from the Fee Waiver scheme. This is provided the student subsequently enrolls on a

part-time course which links to the 'taster' module, making the total up to at least 50 per cent of a full-time course equivalent. If the student does not subsequently enrol on at least a 50 per cent course, they should not have the fee for the 'taster' module met from the Fee Waiver scheme.

### **NHS bursary holders**

8. Part-time students with both means-tested and non-means-tested NHS bursaries have their fees paid by the NHS, and therefore do not qualify for a DfES Fee Waiver.

### **Students who lose their job**

9. Any students who have been in employment of at least 20 hours a week for at least six months, and who lose their job through no fault of their own after starting their course, can have their fees waived. If they regain employment later in the academic year, they will not have to pay any fees until the start of the next academic year (depending on their circumstances). A student is eligible for consideration at any stage during the academic year in which the student loses their job.

### **Students on benefits or low incomes**

10. A student in receipt of any of the following benefits is eligible for a Fee Waiver:

- Housing Benefit
- Income Support
- Council Tax Benefit
- Income-related Job Seeker's Allowance (JSA)
- Working Families' Tax Credit / Disabled Person's Tax Credit.

11. A few students may be on the New Deal allowance. These students do not receive JSA, but part of their allowance includes Income Support, and they are therefore eligible for a Fee Waiver.

12. Tax credit recipients on low incomes are eligible for a Fee Waiver. The income threshold is the same as that for free prescriptions, i.e. a net income of less than £11,543. Tax credit recipients whose income is below the threshold will have received an award notice certifying that they are eligible for free prescriptions. These students are eligible for a Fee Waiver. Those whose income is above that threshold will not be eligible.

13. From September 2002, other students with a net income of less than £11,543 are also eligible – see Section 1 'Essential information for administrators' paragraph 33 for further details.

### **Students who receive disability benefits**

14. Where a student receives Incapacity Benefit, Severe Disablement Allowance or Disability Living Allowance, and their sole income is from welfare benefits, they are eligible for a Fee Waiver. These disability benefits are not means-tested, but students who receive them may still be on a low income, and may not receive Income Support or other means-tested benefits. Fee Waivers should not be given to students who have income from sources other than welfare benefits if that income is above the threshold.

### **Part-time loans**

15. Eligibility for the Fee Waiver does not depend on the student taking out their £500 loan. Note however that part-time students who are eligible for a loan, but choose not to apply, are not eligible for help from the Hardship Fund (see Part 3, Section 2 Hardship Fund Guidance, paragraph 16 for details).

**Assessing students for the Fee Waiver**

16. Institutions should assess students for Fee Waivers. LEAs will assess applications for part-time loans separately. HEIs will not need to undertake complicated means-testing. The student's local Benefits Agency office or LEA should be able to provide proof of receipt of benefits.



## Section 4: Financial conditions and auditing requirements

1. Institutions must observe the following:
  - a. The funds must only be used for the purposes specified in this guidance.
  - b. The funds must only be made available to eligible students as specified in this guidance.
  - c. Any interest gained on the fund must be:
    - i. Paid to students as part of the normal allocation of the resources available.
    - ii. Used to pay for the training of staff in the administration of the funds or in advising students on money matters (finance or debt counselling) or **additional** staffing costs. Institutions may find it helpful to refer to the recently published good practice checklist on the management of student support funds. This guidance can be found at: [www.hefce.ac.uk](http://www.hefce.ac.uk) under 'Learning and teaching/Student support/Good practice checklist'.
    - iii. Used to defray audit costs
    - iv. Used for publicising the funds.
  
2. Each institution's external auditors are required to certify that **all** student support funds (including funds for Fee Waivers for part-time students) and any interest earned on them, have been applied in accordance with the terms and conditions of the grant and this guidance. This can be done by accounting for both funds within the main audited accounts which institutions send to the HEFCE by 31 December each year. The funds should be treated as a balance sheet item, not as income. Institutions must show in the note to their audited accounts how the funds were used in the previous academic year, giving receipts, payments and closing balance. Institutions must identify in their monitoring returns any interest accrued on the balance of these funds.

## Section 5: Frequently asked questions

### Access Bursaries of up to £500 & up to £1,000

#### **How do I decide whether a student is eligible for a bursary of £500 or £1,000?**

Access Bursaries of up to £500. The letter from the LEA should provide the necessary information. To be eligible, a student must be in receipt of £1 or more of childcare grant or dependants' grant after means-testing and should not be in receipt of lone parents grant. If the student with child dependants is a new student, or received an Access Bursary of up to £500 in 2001-02, then this will normally be the maximum amount of Access Bursary they can be awarded during this and future years of study (unless institutions use their discretion to award more on an individual basis).

Access Bursaries of up to £1,000. As above, the letter from the LEA should provide the necessary information. If the student is a continuing student in receipt of the lone parents grant or has been receiving a bursary in previous years on the basis of receiving a mature student bursary in 2000-01, they may be considered for an Access Bursary of up to £1,000.

Note: As many continuing students will receive Access Bursaries of up to £500 in their second year, to retain the term 'Continuing Bursaries' will cause confusion, hence the redefined terminology.

#### **Are the Bursaries only for mature students?**

No. Age is not a consideration – it is whether the student has dependent children that matters.

#### **Can a student receive an Access Bursary of up to £500 if they are also receiving the childcare grant?**

Yes, if they are eligible.

#### **These limits on Access Bursaries. Can't we give more?**

Institutions have discretion to give a higher bursary if they judge this is appropriate. Institutions can also provide additional help from the Hardship Fund to help meet a student's childcare costs.

#### **Must a student receive the childcare grant in order to have an Access Bursary of up to £500?**

No. The student must be in receipt of a dependants' allowance, and must not be in receipt of the lone parents grant. Students with informal childcare, for example, will not be able to receive the childcare grant, but may be eligible for the other elements of the new package including the Access Bursary.

#### **What happens if we gave a bursary to a student and the LEA re-assesses the student and decides that they are ineligible for the dependants' or childcare grant?**

Institutions will not be required to recover or make good Access Bursaries in this situation. Payment of the bursary will have been subject to the institution's discretion, which is in addition to the assessment made by the LEA. Also the student will be a parent, which is a priority group for assistance. However, the bursary should be taken into consideration when assessing a student for a further payment from the Hardship Fund.

#### **Are NHS students eligible for either £500 or £1,000 Access Bursaries?**

Normally no. To be eligible, a student must be in receipt of the childcare grant or dependants' grant for a £500 bursary, or the lone parents grant for a £1,000 bursary. Although there are NHS equivalent grants, this would not make NHS students eligible for Access Bursaries. An exception has been made for those students who received mature student bursaries in 2000-01 (NHS means-tested bursary recipients were eligible) who are not in receipt of childcare grant, dependants' grant or lone parents

grant and who, in the interests of receiving continuity of student support, may continue to apply for Access Bursaries of up to £1,000.

**Can new students have Access Bursaries of up to £1,000?**

No. These bursaries are only available to continuing students under the transitional arrangements or as described in an earlier FAQ.

**Foyer bursaries**

**How will the roles of the mentor/local Foyer work?**

Further guidance is available at Annex F.

**Hardship Funds**

**Are NHS students eligible for the Hardship Fund?**

Yes, if they are eligible for a means-tested NHS bursary. If they receive a non-means-tested NHS Bursary, they are not eligible for the Hardship Fund.

**Can a student have help from the Hardship Fund even if they have already had an Opportunity Bursary?**

Yes, if the institution considers that they need additional financial support.

**Can the Hardship Fund be used to pay arrears on student loans, where the student has defaulted?**

No. However, if a student is in hardship as a result of not being able to receive a student loan, that student would be able to apply for help in meeting their living costs.

**What should the Hardship Fund not be used for?**

The Hardship Fund should not be used to help students meet their tuition fees. Neither should it be used to make adaptations to buildings, or to meet staff salaries or any cost of administering or publicising the funds; a separate allocation has been given specifically for this.

**Can students apply more than once during an academic year for help from the Hardship Fund?**

Yes. Students' circumstances can change in the course of the a year, and there should not be any set limit on the number of times a student can apply for help from the fund.

**Some Muslim students will not take out a loan because they believe it is against their religion. Are they eligible for the Hardship Fund?**

Students must take out their student loan, if they are eligible for one, in order to be eligible for the Hardship Fund. Institutions may find it helpful to explain that the interest rate attached to student loans merely repays the loan in real terms, and is tied, by primary legislation, to the rate of inflation. It is not interest in the commercial sense of the word, and no profit is made from the interest paid by borrowers.

**Can the Hardship Fund be used to pay for communal activities such as a minibus to transport disabled students?**

No. The Hardship Fund cannot be used to pay for capital expenditure over £2,500 and should only be used in accordance with the conditions set out in Section 3.

### **To what level do students need to be in 'hardship' to be considered eligible for help with the cost of diagnostic tests?**

It is not necessary to apply assessment criteria quite as stringently as for a standard application for help through the Hardship Fund. A student would not need to be 'in hardship' in a strict sense but they should be in need of financial help to pay for the cost of the tests.

### **Hardship loans**

#### **Are Foyer students to be treated the same way as students under 25?**

Foyer students should be treated in the same way as students under 25, namely if they are in receipt of benefits, have a disability or have pre-existing debts then they should be entitled to go straight to the Hardship Fund.

### **Reviews**

#### **There are two reviews currently being undertaken. What are these about?**

##### Main student funding review (led by the Secretary of State)

The student funding review was set up specifically to look at the concerns, which have emerged about the current system of student support in particular the way contributions are balanced between students, their parents, and the state. Although student numbers have risen since the reforms were introduced, the proportion of people from low-income backgrounds applying to university has remained static.

##### Simplification targeted support review (led by officials at the DfES)

This review will run in parallel with the main Student Funding review. The aim will be to ensure that the targeted support for vulnerable students is effective in meeting the Government's objectives for increasing participation, widening access and promoting lifelong learning. The review reported to Ministers at the end of February 2002.

#### **Will recommendations from the Simplification review be implemented in 2002/03?**

Following the Simplification review there are likely to be changes to the loan application process for part-time students in 2002/03 (refer to section 2 'Hardship fund guidance', paragraph 16). No decisions have been taken about the timing of any other changes. The DfES is consulting fully on the proposals and will provide further advice on any changes well before they are implemented.

### **Fee Waivers**

#### **Who is eligible to apply for a Fee Waiver?**

In addition to students on the specified benefits and tax credit recipients, students whose net income after national insurance and tax deductions is at broadly the same level as tax credit recipients -- that is, £11,543 -- can be considered for a Fee Waiver.

#### **How will I know whether the course my institution is providing is classified as higher education and therefore appropriate to consider a Fee Waiver?**

Many part-time courses are 'cut down' versions of full-time HE courses, and this should not present a problem. Where it is not apparent whether a course is HE it is for the institution to decide. Unlike full-time courses, there are no registers or definitive lists of eligible part-time courses.

**With the recent inclusion of a non-benefit-related earnings threshold for eligibility for a Fee Waiver, should I include a partner's income when assessing this?**

We are currently considering whether to issue clearer guidelines on how students should be assessed for support from the Access and Hardship Funds as part of the review of targeted support. The guidance for 2003-04 will incorporate any recommendations from the review on this issue. In the meantime this will be for the institution to decide. Institutions may find it helpful to consider the spirit in which Fee Waivers were introduced. It would not seem appropriate to grant a Fee Waiver to a student whose income was below the threshold level but whose partner's earnings were particularly high. Conversely, if a student and their partner's combined earnings are assessed as being a little over the threshold, institutions may still wish to award a Fee Waiver.

## Annex A: Definition of registered and accredited childcare

1. Day care centres that cater for children under the age of 8 and which operate for 2 hours or more per day for more than 5 days per year are required to register with and be inspected annually under the Children Act 1989. Last year the new Early Years Directorate at OFSTED took over responsibility for registration and inspection from local authorities. Students can find a list of all registered day care providers through their local **Children's Information Service** or on the web-site [www.childcarelink.gov.uk](http://www.childcarelink.gov.uk). Detail of inspection reports can be accessed on [www.ofsted.gov.uk](http://www.ofsted.gov.uk). The Children Act only covers children under the age of 8, day care providers which only provide for children aged 8 and above are not required to register but can join a voluntary accreditation scheme.
2. At the time of publication, three organisations' quality assurance schemes have been accredited. These are Kids Club Network, Northumberland Out of School Initiative and Somerset and Torbay Early Years and Childcare Team.

The following are types of day care which require registration:

**Day nurseries:** these look after under 5s for the length of the adult working day. They may be run by social services departments, voluntary organisations, community groups, private companies, employers or individuals, or a combination of any of these on a partnership basis.

**Crèches:** these are similar to day nurseries.

**Playgroups/Pre-schools:** these usually provide education and care for children aged 3-6, although some take children aged 2 1/2. Sessions last no longer than 4 hours.

**Extended day playgroups:** these provide for children for more than 4 hours a day.

**Private nursery schools:** these deal almost exclusively with children under 5, and differ from a private day nursery in a number of respects, for example children are under the oversight of a qualified teacher.

**Out of school clubs:** these care for school age children in the absence of their parents or carers from the end of the school day until the parent can collect the child, or sometimes before school starts. They are not open access.

**Open Access Schemes and Adventure Playgrounds:** these provide open access facilities for children of all ages but are normally attended by children of school age. There will be some supervision. They will be open all day in the holidays and at half term.

**Registered childminders:** these look after children under 5 (and school aged children outside school hours and during the holidays) in domestic premises. Parents and childminders negotiate the terms and conditions.

**Early Excellence Centres:** this is a unique pilot programme which offers integrated early education from 0-5 years old, childcare, health and family services for children and families.

Further information about childcare can be obtained from your local authority or from [www.childcarelink.gov.uk](http://www.childcarelink.gov.uk)

## **Annex B: Form of words for students to give their Benefits Office**

[Name of student] has received a payment of [£ amount] from the Hardship Fund/Access Bursary Fund provided by the Government.

Delete as appropriate:

- a. It is a single payment.
- b. It is part of a series of [number] payments which will be made during the period [enter period].
- c. The payment is a short-term loan, which is repayable when the student receives the first instalment of the student loan.

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

----- (Signed)

on behalf of [stamp or other identification of institution]

## **Annex C: Residency requirements**

### **Normal eligibility criteria for Hardship Fund support**

1. Schedule 1 of the Education (Student Support) Regulations 2002/195 sets out the residence conditions for Hardship Fund support in terms of ordinary residence and settled status.
2. To be personally eligible the student must normally be able to satisfy three requirements relating to his/her residence and immigration status on the first day of the first academic year of his/her course. On that date he/she must:
  - have been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding that date other than wholly or mainly for the purpose of receiving full-time education
  - be ordinarily resident in England and Wales
  - be settled in the United Kingdom under the terms of the Immigration Act 1971, in other words ordinarily resident here without being subject to any restriction on the period for which he may stay.

### **Exceptions**

3. There are exceptions to the settled status requirement. These are as follows:
  - refugees, their spouses, children or step-children; or
  - persons who have been informed by the Home Office that although they do not qualify as a refugee, they have been granted exceptional leave to enter or remain (ELE/ELR) in the UK, their spouses, children or stepchildren; or
  - European Economic Area (EEA) migrant workers, their spouses and children; or
  - EU nationals and their children who are applying for tuition fee support only; or
  - nationals of the Republic of Ireland.

Further details of the separate provisions for these exceptions are set out in appendix B to this annex.

### **Settled status**

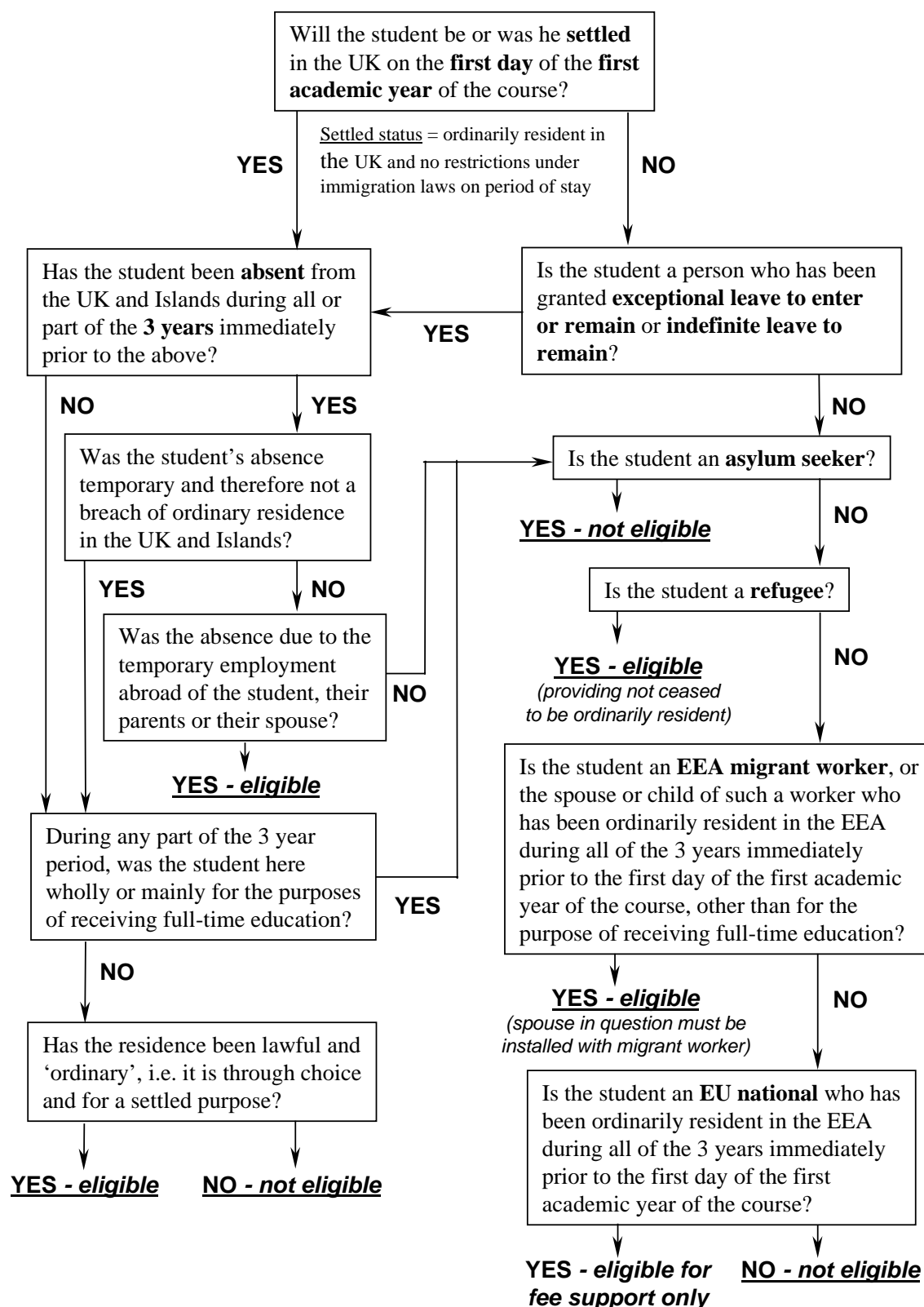
4. 'Settled status' means a person is free from any restriction on the period for which he/she may remain in the UK if he/she is:
  - a British citizen. British citizens are not subject to any restriction on their length of stay in the UK. Evidence of British citizenship may be established by a UK birth certificate or a British Passport; or
  - a person who has been granted indefinite leave to enter or remain (ILE/ILR). The immigration status of such applicants may be established or verified by reference to the stamp(s) in their passports or travelling documents. Examples of immigration stamps can be found in appendix A to this annex.



## Residency 'decision tree'

5. Figure 1 will help institutions to determine whether students meet the residence conditions. This is to be used as a guide only, and institutions must follow the residency conditions set out in this annex.

Figure 1 – Residency 'decision tree'



### **Ordinary residence**

6. 'Ordinarily resident' has been defined in the courts as habitual and normal residence from choice and for a settled purpose throughout the prescribed period, apart from temporary or occasional absences of the applicant, his/her spouse or parent. Extracts from the judgment (Lord Scarman's) can be found in appendix C. 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**

7. The rules 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 (or the EEA where applicable) wholly or mainly for the purposes of receiving full-time education. It is for institutions to decide whether or not an applicant has been resident here 'wholly or mainly' for education purposes. This provision does not apply to refugees who have been ordinarily resident in the UK and Islands since being granted refugee status by HM Government, their spouses, children or stepchildren, as they are exempt from the three-year residence requirement.

8. However, a student is not disqualified from support simply because he/she has 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 his/her residence here may be mainly for the purpose of remaining in the UK with relatives rather than mainly for the purpose of attending school in the UK.

9. Students who have been in the United Kingdom and Islands as trainee nurses under contract of employment to a health authority for the period of their training should not be regarded as having been here wholly or mainly for the purpose of receiving full-time education.

10. A person who has entered the country on a student visa may initially be ordinarily resident here primarily for educational purposes, but the purpose of residence may subsequently change. If, for example, an application for refugee status is submitted to the Home Office and this later results in the granting of 'exceptional leave to remain' (rather than full refugee status), institutions may conclude from the facts of an individual case that the student's residence ceased to be primarily for educational purposes from the date of that application.

11. The main purpose of a student's residence must be determined individually in all cases.

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

12. When considering whether an applicant for support has been ordinarily resident throughout the prescribed three-year period preceding the start of the first academic year of a course, 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. In making a decision, each institution will wish to consider whether it would be confident that its decision would be upheld if it were challenged in Court.

13. A student taking a gap year before entering a further education course does not break his/her ordinary residence in the UK and Islands. Such a student can be considered to meet the requirement to be ordinarily resident in England and Wales on the first day of the first academic year of the course if he/she is still abroad.

### **Temporary employment abroad**

14. The criteria are also modified for ordinary residence and settled status in cases where a student, his/her spouse, parents, guardian or any other person having parental responsibility or care of him/her 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 three-year ordinary residence and settled status criteria.

### **Armed forces personnel**

15. Armed forces personnel on active service abroad, and their children and spouses, satisfy the temporary employment provision. 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. An example of a certificate from the Ministry of Defence that can be used for verification of the applicant's status can be found in appendix D to this annex.

### **Emigrants**

16. Where emigrants have been employed abroad, such employment would not count as temporary under the Regulations.

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

17. Children whose parents are temporarily employed outside the UK will normally retain the relevant connection with the UK, 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**

18. In other cases it is for institutions to decide whether an applicant falls within the terms of temporary absence, i.e. whether he or she would have been ordinarily resident in this country, 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.

19. In reaching a judgement, institutions 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 etc.), he or she would have met the ordinary residence and settled status criteria. In making its decision, institutions 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 UK.

20. The onus is on the applicant to satisfy the institution that: his/her absence was due to employment abroad; and this employment was temporary; and were it not for temporary employment abroad he/she would be ordinarily resident here.

21. In determining whether the absence was for purposes of employment but the applicant was not in employment immediately after moving overseas the institution should consider:

- whether the applicant had applied for jobs prior to his/her departure
- the length of the time spent overseas before obtaining work
- whether he/she resided in the same overseas country before and after obtaining a job
- what the applicant was doing prior to obtaining a job, or between jobs.

22. In determining whether the employment was temporary or permanent, the institution should consider:

- The nature of the contract:
  - i. does the contract include liability for UK tax on earnings?
  - ii. is the posting for a specified period? If it is for an unspecified period, what is the reason for this?
  - iii. how long is the contractual period?
  - iv. is the contract renewable? Would it be normal or unusual for the contract to be renewed on its completion? Has the contract already been renewed or is it one of a succession of contracts abroad?
  - v. does the contract convey automatic rights of return to this country from time to time?
  - vi. if there is no contractual period, how long has the employee already been resident abroad?
- The nature of the work:
  - i. is it normal for the nature of the trade or profession to be mobile?
  - ii. is mobility a condition of service?

- A right of return:
  - iii. does the applicant (or parent, spouse etc.) have an automatic right of return to work in his/her organisation (or a related one) on completion of the duty abroad?
- Periods between overseas postings:
  - iv. have such periods been spent in this country, i.e. in the employer's HQ or UK offices?
- Previous contracts:
  - v. is the present contract a first overseas posting of its type, or is it a continuation of previous similar contracts? Institutions may wish to bear in mind domestic employment case law; industrial tribunals have ruled that a succession of similar temporary contracts can be construed as permanent employment. A series of short contracts may be the result of a genuinely temporary posting, which is kept under review or may indicate a long-term posting with the contract being renewed as a matter of formality rather than a real review.

23. The list above is not exhaustive. Nor will all of the questions apply in every case. It emphasises however that each case must be dealt with on its own individual merits, and that decisions on whether employment abroad is permanent or temporary must not be decided solely on the length of period spent abroad, but in conjunction with the nature of the work and the employment pattern of the applicant. Again, the institution will wish to consider whether it would be confident that its decision would be upheld if it were challenged in Court.

#### **Determining whether an applicant would have been ordinarily resident but for his/her temporary employment abroad**

24. The applicant should be able to demonstrate that, other than for the temporary employment abroad, he or she would have been ordinarily resident here during the prescribed period. In some cases, an institution may judge that a statement of intention will provide sufficient evidence, but in most cases authorities will require something more concrete. In this connection, institutions may wish to take into account:

- ownership of property – although in many cases, this will provide sufficient evidence that an applicant would otherwise have been ordinarily resident here, in some cases it will not. For example, a property may simply be an investment or be intended for occupation only on retirement following a considerable period abroad. Non-ownership of property in the British Isles should not be taken to exclude an applicant;
- holidays – where an applicant spent any long periods of holiday or study leave;
- other business interests – does the applicant have interests, which could lead to a conclusion that he/she would be likely to return here on completion of his or her overseas tour?; and
- family or other ties with the United Kingdom, which would make a return here likely.

#### **Students who move to England and Wales from elsewhere in the UK and Islands in order to attend a course**

25. A student who has been ordinarily resident in Scotland, Northern Ireland, the Channel Islands, or the Isle of Man who moves to England or Wales specifically for the purpose of attending the current course or a previous designated course which the student was attending immediately before the current course should be regarded as being ordinarily resident in the place from which he has moved.

# Appendix A to Annex C: Immigration stamps

ON ENTRY	AFTER ENTRY					
<p><b>CODE 1A</b></p> <p>Leave to enter the United Kingdom Is hereby given for/until.....</p> <p>.....</p> <p style="text-align: right;">For exceptional leave to enter given at port</p> <table border="1" style="width: 100%; height: 20px; margin: 10px 0;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table> <p style="text-align: center;">the Rules <u>or</u> varied leave at port</p>				<table border="1" style="width: 100%; height: 200px;"> <tr> <td style="width: 80%; padding: 5px;">                 Leave to remain in the United Kingdom is hereby given                   Until.....                   .....                   on behalf of the Secretary of State                   Home Office                   Date.....             </td> <td style="width: 20%; padding: 5px; vertical-align: top;">                 For exceptional leave to remain <u>or</u> leave to remain exceptionally outside             </td> </tr> </table>	Leave to remain in the United Kingdom is hereby given  Until.....  .....  on behalf of the Secretary of State  Home Office  Date.....	For exceptional leave to remain <u>or</u> leave to remain exceptionally outside
Leave to remain in the United Kingdom is hereby given  Until.....  .....  on behalf of the Secretary of State  Home Office  Date.....	For exceptional leave to remain <u>or</u> leave to remain exceptionally outside					

**CODE 1:** No recourse to public funds, can work. Used for: **Marriage, Doctors, Some dependents, UK Ancestry**

Leave to enter for/until
No recourse to public funds Work (and any changes) must be authorised



*NEW VERSION: Introduced at ports on 30 July 2000 (only given by an Immigration Officer at the port of entry)*

**CODE 2:** No recourse to public funds, consent to work already deemed to be given.  
Used for: **Work Permit Holders, TWES and Students**

Leave to remain in the United Kingdom, on Condition that the holder maintains and accommodates himself and any dependants without recourse to public funds, does not enter or change employment paid or unpaid without the consent of the Secretary of State for the Home Department is hereby given  Until.....  .....	

**CODE 3:** Various types of visitors, up to 6 months. No work paid or unpaid, no public funds. Used for: **Business, Academic, Tourist, Visitors for Private medical treatment and People in Transit**

**CODE 4:** Specified employment/employer. Names employer and Private Servants. Used for: **Au-Pairs, Working Holidaymakers, Overseas Domestic Workers, Seasonal Agricultural Workers**

Leave to enter for/until
To work as/with
Changes must be authorised
No recourse to public funds

*NEW VERSION: Introduced at ports on 30 July 2000 (only given by an Immigration Officer at the port of entry)*



**CODE 5N:** Temporary category, maximum 6 months, no employment, no public funds. Used for: **Visitors**

**INDEFINITE LEAVE TO ENTER**

Given indefinite leave to enter the United Kingdom

**INDEFINITE LEAVE TO REMAIN**

<p>Leave to enter the United Kingdom on Condition that the holder maintains and accommodates himself and any dependants without recourse to public funds is hereby given</p> <p>Until.....</p> <p>The holder is not engaged in employment paid or unpaid other than with.....</p> <p>.....</p> <p>and is not to engage in any business or profession without the consent of the</p> <p>.....</p> <p>Secretary of State for the Home Department</p> <p>.....</p> <p style="text-align: center;">On behalf of the Secretary of State Home Office</p>	

<p>GIVEN LEAVE TO REMAIN IN THE UNITED KINGDOM FOR AN INDEFINITE PERIOD.</p> <p>Signed .....</p> <p>On behalf of the Secretary of State Home Office</p> <p>Date .....</p>	

**ON ENTRY**

**AFTER ENTRY**

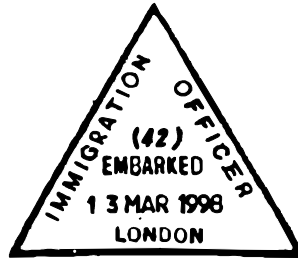
**AUTHENTICATION**



The Immigration officer's arrival stamp shows the date and port of arrival. It is used to authenticate leave to enter code stamps. If a person has previously been given indefinite leave to enter or remain in the UK the Immigration officer will stamp the passport with his date stamp alone



This stamp is used by the Home Office after entry to authenticate grants of limited leave



The Immigration officer's embarking stamp shows the date and port of departure from the UK. Immigration officers do not put embarking stamps

**NO TIME LIMIT**

There is at present no time limit on the holder's  
Stay in the United Kingdom

ind	_____★_____	PCU
.....		

On behalf of the Secretary of State Home Office  
date:

**CODE 8:** This stamp is used to transfer a passenger's existing LTE/LTR from their previous passport

	Code
The holder has leave to enter/remain that was granted on ..... By..... and expires on	

**Leave Varied to:** Used to extend an LTE/LTR and followed by one of the immigration stamps under the following circumstances:

**Leave varied to:**

- Already has LTE/LTR in one category and wishes to be given LTE in another capacity;
- Wants to extend the existing LTE/LTR;
- To rectify an error on Entry Clearance i.e. conferred LTE

***CANCELLED***

**(Red ink endorsement)**

This endorsement is used to cancel a passenger's permission to stay in the United Kingdom

Note: 'Public funds' include housing, social security and income related benefits. They do not include education and health funds.



## Appendix B to Annex C: Separate provisions

### Asylum seekers

1. Asylum seekers may achieve one of three outcomes as shown in Figure 2. Those achieving outcome 2 may be given indefinite leave to remain at the end of the period of exceptional leave.

Figure 2 – Asylum seeker outcomes

### Student Support Criteria

	Outcome 1	Outcome 2	Outcome 3
	Refugee status granted	Exceptional leave to enter or remain (ELE/ELR) granted	Asylum application refused
Application made to the Home Office for asylum			
<b>Not eligible for Student Support</b>	<b>Eligible for Student Support (immediate entitlement)</b>	<b>Eligible for Student Support only if 3-year residence requirement met</b>	<b>Not eligible for Student Support</b>

### Refugees

2. A refugee is defined as someone who is outside their own country of origin and who has a well founded fear of returning there because they may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Such a person is unable, or in fear of, or unwilling to return to their former country of residence.

### Asylum seekers who have been granted refugee status (stage 3)

3. Refugees, their spouses, children and stepchildren are eligible for Hardship Fund support provided the refugee is ordinarily resident in England and Wales on the first day of the first academic year of the course and has not ceased to be ordinarily resident since being recognised as a refugee. A person who has been successful in their application for refugee status will have been given a letter from the Home Office stating that they have been granted indefinite leave to remain in/enter the UK as a refugee recognised under the 1951 United Nations Convention. Students who fit the above criteria are not required to demonstrate settled status on the first day of the first academic year of the course and can also become eligible to receive Hardship Fund support during their course after they, their spouse or parent is granted refugee status.

### Asylum seekers who have been awarded exceptional leave to enter or remain (stage 2)

4. The Home Office grants 'exceptional leave to enter or remain' (ELE or ELR) in a number of circumstances. Institutions are only concerned with those students who applied to the Home Office for asylum and have not been granted refugee status. Instead they have been awarded ELE/ELR, or they are the spouse, child or stepchild of such a person. ELE/ELR is not asylum and does not constitute recognition as a refugee within the meaning of the United Nations Convention.

5. ELE/ELR is not the same as indefinite leave to remain. It is normally granted to a set calendar date (four years from the date of the application) although in some circumstances it is granted for a shorter period. The applicant should have been sent a letter by the Home Office stating that, whilst they are not recognised as a refugee, they have been granted exceptional leave to remain. After completing four years exceptional leave to enter or remain it is open to the person to apply for settlement, at which point indefinite leave to remain is usually granted.

6. Students granted ELE/ELR do not have the same immediate entitlement to Hardship Fund support as have recognised refugees. **These students must meet the usual three-year residence requirement before the first day of the first academic year of the course.** Such persons, their spouses, children and step-children are exempted from the requirement to be settled in the United Kingdom within the meaning of the Immigration Act 1971 on the first day of the first academic year of their course and can, therefore, become eligible to receive Hardship Fund support during their course, after they, their spouse or parent is granted ELE/ELR.

### **Asylum seekers who have been awarded indefinite leave to remain in the UK as a result of backlog clearance**

7. The Home Office Immigration and Nationality Directorate (IND) introduced special backlog clearance measures to speed up the processing of asylum applications made before 1 July 1993. The regulations have been amended to reflect these special measures so that applicants and their dependants granted indefinite leave to enter or remain (instead of the normal ELE/ELR), under these special measures, become eligible for support where this was granted during the course as in paragraphs 4-6. The exercise is now complete and it is unlikely that any new students will fit this description.

### **Temporary refuge**

8. The immigration status of students granted short time stay for reasons not covered above is not always clear and the DfES has been advised that checks with IND should be made in individual cases, or the student asked to provide documentation of their status.

### **European Economic Area migrant workers**

9. Migrant workers and their spouses, children and stepchildren are eligible for Hardship Fund support where they are ordinarily resident in England and Wales on the first day of the first academic year of the course and meet the requirement of three years ordinary residence in the European Economic Area (EEA). They are not required to have settled status in the UK.

10. 'Migrant workers' are EEA nationals who have taken up an activity as an employed person in the UK, under EU Council Regulations.

11. Students who cease work before starting their course will retain their status as migrant workers if there is a link between their work and their studies. There has been little guidance from the European Court of Justice (ECJ) on what constitutes a sufficient 'link' between the course of study and the previous employment for these purposes. In the cases of Lair and Bernini the Court indicated that what was important was the relationship between the purpose or subject matter of the studies and the previous employment. This principle does not apply where a person has been employed in the UK but has subsequently 'become involuntarily unemployed and is obliged as a result of the situation of the labour market to transfer to another employment sector'.

12. However, where a student continues to work while he is studying, a recent Opinion from the Advocate General in the case of Grzelczyk indicates that he does not need to show a link between his employment and his studies in order to retain his status as a migrant worker.

### **Employment which is ancillary to their studies**

13. An applicant is not eligible for Hardship Fund support if he/she has taken up employment with a view to undertaking subsequent studies related to the same field of activity, and would not have been taken on by his/her employer if he/she had not already been accepted for admission to the course in respect of which he/she has applied for support.

14. Where a person has taken up employment in the UK solely for the purpose of becoming eligible for Hardship Fund support, institutions will be under no duty to bestow such support on him/her.

15. EEA nationals are generally entitled to be classified as migrant workers for a period of up to six months from their arrival in the UK where they have arrived in the UK without work but are actively seeking employment. Under EC law, a national of a member state has the right to enter the territory of another member state, not only to pursue an occupation as an employed person, but also to look for such an occupation. This right to enter and reside in another member state for the purpose of seeking work is not, however, a permanent one. Individuals concerned should be given a reasonable time within which to apprise themselves of offers of employment comparable to their qualifications and to take the necessary steps to be engaged. A period of six months is generally considered sufficient. The eligibility of such a student will remain subject to them meeting the residence requirement of three years ordinary residence in the EEA.

### **Remuneration for work**

16. EEA nationals who came to the UK to work but received something less than a market rate salary for their work, may still fall within the definition of a migrant worker. In the case of Brown the ECJ set out a definition of a migrant worker.

*‘Any person who pursues an activity which is effective and genuine, to the exclusion of activities on such a small scale as to be regarded as purely marginal and ancillary, is to be treated as a worker. The essential characteristic of the employment relationship is that for a certain period of time a person performs services for and under the direction of another person in return for which he receives remuneration.’*

17. The ECJ has said that ‘remuneration’ means consideration for the services in question, and therefore if someone works in exchange for, for example free food, free accommodation or an allowance, they may still be considered to be a worker.

18. In effect the test to be applied is as follows:

26. Is the person in an employment relationship in which he/she performs services in return for remuneration?
27. Is he/she pursuing an activity, which is effective and genuine?
28. Is this activity on such a small scale as to be regarded as purely marginal and ancillary?

19. In trying to decide whether a person's employment is ancillary to another activity – applying the third part of the test – it may be relevant to look at, amongst other things, whether his/her employment is full-time and salaried. For example, if a person is employed full-time at a market rate this would be a fairly good indication that his/her employment was not ancillary to their studies. However, this does not mean that a person must be employed full-time at a market rate in order to be a worker. As already indicated, if the activity were ancillary then the person would not fulfil the criteria for migrant worker status.

### **Spouses of EEA migrant workers**

20. The spouse of an EEA migrant worker is eligible for Hardship Fund support on the same basis as the migrant worker him/herself, provided that the spouse is installed with the migrant worker in the UK. The ECJ requires only that the migrant worker had accommodation available for his/her family, which would be considered normal for the purpose of accommodating the family. However, there was no requirement that the spouses must be permanently living together. The ECJ held that this was consistent with the spirit of Article 11 of the regulation, which gives members of the family the right to take up an activity as an employed person throughout the territory of the member state concerned, even though that activity is exercised at a place some distance from the place where the migrant worker lives. Once migrant workers are divorced, the same rules will not of course apply. But, whilst they are separated, even if they intend to divorce later they are still spouses for the purposes of these Regulations. The spouse must meet the same ordinary residence test as the migrant worker. The nationality of the spouse is not relevant; both EEA and non-EEA nationals are eligible.

### **Children of EEA migrant workers**

21. For the purposes of this provision 'parent' is defined as including a guardian, any other person having parental responsibility for a child and any person having care of a child. In every case the parent must have established migrant worker status in this country and the child must meet the same ordinary residence test as the migrant worker. The child should be able to produce evidence that he or she was admitted to the United Kingdom as a child of a migrant worker. The fact that the migrant worker parent has since died, or that the child is for other reasons no longer dependent on the migrant worker, does not necessarily result in losing entitlement. However, where the parent is still living, they must still be residing within the UK and have retained their migrant worker status.

### **UK nationals who are migrant workers**

22. UK nationals (for this purpose includes British citizens, British subjects who have the right of abode in the United Kingdom, and dependent territories citizens who acquired that citizenship by reason of a connection with Gibraltar) may acquire the status of EEA migrant workers in the same fashion as nationals of any other member state. UK nationals who move to another member state for the purpose of employment, and then return to the UK for the same purpose, will be migrant workers, and they, their spouses and children will not be required to satisfy the three-year ordinary residence requirement in the UK. They do however need to be ordinarily resident in England and Wales on the first day of the first academic year of the course and meet the required three-year ordinary residence in the EEA.

### **EU nationals**

23. EU nationals or the children of EU nationals, who are not an EEA migrant worker or the spouse or child of a migrant worker must be able to show that they have settled status in the UK in order to be

eligible for support. Under EC law, nationals of EEA member states (including EU nationals) are granted the right to live and work in the UK. This is called a right of residence. EEA nationals have a right of residence providing they are working in the UK, or they are not economically active but do have sufficient funds to finance their stay without claiming public funds. EEA nationals do not automatically have settled status in the UK. This is something they may apply for if they wish. It is not compulsory in terms of immigration status, and they may stay in the UK for as long as they want providing they meet the requirements above. Further details are given in the Home Office leaflet 'Information about Nationals of the European Economic Area'.

### **EU students**

24. EU nationals, or the children of an EU national, who do not meet the above criteria may be eligible for fee support but not for any living cost support. Students who become EU nationals within three months of the start of the academic year, because their State joins the EU, will be eligible for fee support for that academic year and any subsequent academic year.

25. Although these students are not required to have settled status or to be ordinarily resident in the UK on the first day of the first academic year of the course, they are required to have been ordinarily resident in the EEA for the three years preceding that day. However, nationals of non-EU members of the EEA or their children are not entitled to Hardship Fund support under this provision.

### **Nationals of the Republic of Ireland**

26. Nationals of the Republic of Ireland are treated as settled in the UK for immigration purposes and therefore do not need to have formal confirmation of their status endorsed in their passports. In order for such a student to be eligible for fees and living costs, they must be ordinarily resident in England and Wales on the first day of the first academic year of the course and must have been ordinarily resident in the UK and Islands throughout the three-year period preceding the first day of the first academic year of the course. Their residence in the UK during the three-year period must not have been wholly or mainly for the purpose of receiving full-time education. An Irish national, who does not meet the ordinary residence requirement, may be considered to see if he satisfies the requirements to be regarded as a migrant worker or an EU student.

## Appendix C to Annex C: 'Ordinarily resident'

### Extracts from Lord Scarman's judgement

The following are extracts from the judgement given in the House of Lords on 16 December 1982, as reported in [1983] 2 WLR 16.

At page 31 H:

*'It is my view that LEAs, when considering an application for a mandatory award, must ask themselves the question: has the applicant shown that he has habitually and normally resided in the United Kingdom from choice and for a settled purpose throughout the prescribed period, apart from temporary or occasional absences? If an LEA asks this, the correct, question, it is then for it, and it alone, to determine whether as a matter of fact the applicant has shown such residence. An authority is not required to determine his 'real home', whatever that means: nor need any attempt be made to discover what his long-term future intention or expectations are.*

*The relevant period is not the future but one which has largely (or wholly) elapsed, namely that between the date of the commencement of his proposed course and the date of his arrival in the United Kingdom. The terms of an immigrant student's leave to enter and remain here may or may not throw light on the question: it will, however, be of little weight when put into the balance against the fact of continued residence over the prescribed period - unless the residence is in itself a breach of the terms of his leave, in which event his residence, being unlawful, could not be ordinary.'*

At page 27 B-G:

*'There are two and no more than two, respects in which the mind of the "propositus" (the student applicant) is important in determining ordinary residence. The residence must be voluntarily adopted. Enforced presence by reason of kidnapping or imprisonment, or a Robinson Crusoe existence on a desert island with no opportunity of escape, may be so overwhelming a factor as to negative the will to be where one is. And there must be a degree of settled purpose. The purpose may be one; or there may be several. It may be specific or general. All the law requires is that there is a settled purpose. This is not to say that the "propositus" intends to stay where he is indefinitely; indeed his purpose, while settled, may be for a limited period. Education, business or profession, employment, health, family, or merely love of the place spring to mind as common reasons for a choice of regular abode. And there may well be many others. All that is necessary is that the purpose of living where one does has a sufficient degree of continuity to be properly described as settled.*

*The legal advantage of adopting the natural and ordinary meaning, as accepted by the House of Lords in 1982 and recognised by Lord Denning in this case, is that it results in the proof of ordinary residence, which is ultimately a question of fact, depending more upon the evidence of matters susceptible of objective proof than upon evidence as to the state of mind. Templeman L J emphasised in the Court of Appeal the need for a simple test for LEAs to apply: and I agree with him. The ordinary and natural meaning of the words supplies one. For if there is to be proved a regular, habitual mode of life in a particular place, the continuity of which has persisted despite temporary absences, ordinary residence is established provided only if it is adopted voluntarily and for a settled purpose.*

*An attempt has been made in this case to suggest that education cannot be a settled purpose. I have no doubt it can be. A man's settled purpose will be different at different ages. Education in adolescence or early adulthood can be as settled a purpose as a profession or business in later years. There will seldom be any difficulty in determining whether residence is voluntary or for a settled purpose: nor will enquiry into such questions call for any deep examination of the mind of the "propositus".'*

**Appendix D to Annex C: Armed Forces personnel**

REGULAR MILITARY AND AIR FORCES AND ROYAL NAVY FORCES

**CERTIFICATE OF TEMPORARY EMPLOYMENT OUTSIDE THE UNITED KINGDOM**

**ELIGIBILITY FOR HARDSHIP FUND SUPPORT**

I certify that:

Number .....Surname.....Initials.....

Rank .....

Unit.....

has been in continuous service as a member of the regular military or air forces or of the Royal Navy forces since:

(date).....

and that he\*/she\* is the spouse\*/ parent\*/ guardian\*/ has parental responsibility for \*/ has care of\* (\*delete as applicable)

Surname.....Initials.....Date of Birth.....

Signed.....

Name.....

Rank.....

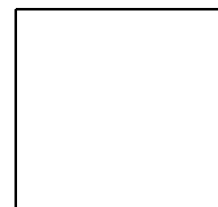
**Unit Records Officer**

Date.....

Telephone Number.....

Unit Address

.....  
.....  
.....  
.....  
.....



Unit Stamp

[Note: this certificate should be used to support a claim for exemption from the UK ordinary residence requirements.]

## Annex D: Dance and drama awards: connected institutions

<b>Private institution</b>	<b>Connected HEI</b>
Birmingham School of Speech & Drama	University of Central England in Birmingham
Bird College – Dance & Theatre Performance	Greenwich University
Bristol Old Vic Theatre School	University of the West of England
Guildford School of Acting	Surrey University
Italia Conti Academy of Theatre Arts Ltd	South Bank University
Laban Centre London	City University
London Studio Centre	Middlesex University
Mountview Academy of Theatre Arts	Middlesex University
Royal Academy of Dance	Durham University



## Annex E: Advice on issuing short-term loans from the Hardship Fund

1. Institutions will need to make some checks before making a Hardship Fund payment to students needing a short-term loan. A suggested checklist is below:

- full name, contact address, telephone number and proof of identity
- the student is registered or enrolled on a designated course
- the student has applied for a loan (or at least requested an application form from the LEA)
- if the student has changed course since the original application, that he has informed the LEA
- basic eligibility (see below).

2. If these checks suggest a payment should be made, the student should be asked to sign a declaration of eligibility, if their eligibility as a home student has not already been established by the LEA. Some wording is suggested here.

'I, [name of student], hereby certify that to the best of my knowledge I fulfil the following criteria:

There are no restrictions on my stay and I am therefore "settled" within the UK (as defined in the Immigration Act 1971). [Anyone with full refugee status or with exceptional leave to remain or enter the UK meets this requirement.]

I have been ordinarily resident within the UK or Islands for three years immediately before the start of my course. [Students with full refugee status do not need to meet this requirement, and EEA migrant workers (or their spouses/children) must have been resident within the European Economic Area, rather than the UK and Islands.]

None of this time was wholly or mainly for the purposes of receiving full-time education.'

3. If a student gives inconsistent information, or if the institution is aware of contradictory evidence, it should not make a payment. In these circumstances, the student could be asked to return later, to allow time for further checks to be made, for example with the LEA. Where necessary, institutions could make a very small payment to tide such students over until the date of the next interview.

4. Institutions should also ask the student to sign a declaration that they will repay the loan. Some recommended wording is below. This gives institutions the flexibility to pursue the non-repayment of loans if a student leaves the course or does not receive a student loan:

'I acknowledge receipt of cash/cheque/(other....) of [£ amount] from [name of institution]. I hereby promise to repay this amount in full (i) within 10 days of receiving the first instalment of my main student loan, or (ii) at the end of the academic year, or (iii) when I leave the course, whichever is the earlier.'

## **Annex F: The Foyer scheme**

1. As outlined in Section 1, the Foyer scheme offers support for young homeless people entering higher education. A central plank of the Foyer Federation bursary for Foyer residents is the mentoring scheme.
2. Three tiers of support accompany the bursary:
  - a. Peer mentoring. This is done primarily by second and third year HE students, who support Foyer students with the difficult transitions of the first year at university.
  - b. HEI pastoral and financial support.
  - c. The national University Support Manager, who acts as an advocate for students when necessary. Students are asked to commit to contacting the University Support Manager to seek help before abandoning their studies.
3. A questionnaire has been sent to interested Foyers to be filled in by individual residents registering in the scheme. The questionnaire covers, amongst other things, details of the institutions and courses they have applied to plus preferences for their mentors. This enables the University Support Manager to make early contact with HEIs regarding existing mentoring projects.
4. In August, after students have decided which HEI they will attend, the University Support Manager will finalise contacts for mentors at the relevant HEIs.
5. To find mentors for the first year of the scheme (in subsequent years mentees can become mentors) the University Support Manager will contact widening participation offices in universities, individual Student Unions and projects such as Student Community Action, in addition to contacting existing national mentoring schemes. Finding mentors will be easier in those HEIs with established mentoring projects. For students who apply to HEIs without established projects, individual arrangements will be made, for example, through religious groups, or through departments running relevant courses such as social administration. Postgraduate students may also be asked to act as mentors.
6. For further information on the Foyer scheme contact the University Support Manager at the University of the West of England by e-mail at [eira.makepeace@uwe.ac.uk](mailto:eira.makepeace@uwe.ac.uk) or tel 0117 344 2561.