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Consultation Document

The Children Act 1989 (Higher Education Bursary) (Wales) for former relevant children (care leavers)

Date of issue: 20 October 2010

Action required: Responses by 15 December 2010

The Children Act 1989 (Higher Education Bursary) (Wales) for former relevant children (care leavers)

Overview

The Welsh Assembly Government is seeking views on the draft Children Act 1989 (Higher Education Bursary) (Wales) Regulations 2011.

The Welsh Assembly Government sets out in the Regulations: a definition of the meaning of higher education for the purpose of obtaining who will be eligible to receive a payment; the minimum value of the bursary ('the relevant amount'); a provision about the timing of the payment(s) and circumstances in which it may be appropriate for the local authority to discontinue or recover payment.

We expect the Regulations to come into force by June 2011.

How to respond

Consultation responses can be completed by using the questionnaire at the back of the document.

The completed form should be returned to Hillary Hill, contact details are below.

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

Additional copies of the draft Regulations and explanatory note can be accessed from the Welsh Assembly Government website at www.wales.gov.uk/consultations/education

Contact details

For further information and/or to return a response:

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Assembly Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Assembly Government staff to help them plan future consultations.

The Welsh Assembly Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Assembly Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

The Proposal

The proposal is to commence regulations during the academic year 2010 -2011, which require local authorities to pay a bursary to former relevant children (care leavers) undertaking a course of higher education. This has already been the subject of a consultation during the passage of the Children and Young Persons (CYP) Act through Parliament and the National Assembly for Wales, where it was widely supported.

It has also been discussed at length with local authorities, during the review and evaluation of the Raising Attainment and Individual Standards in Education (RAISE) for Looked After Children (LAC) programme. A higher education bursary provides a mechanism for the continuity of support of care leavers, who were the first recipients of RAISE funding, to receive financial support according to their pathway plan. The bursary will be funded initially by the RAISE grant for Looked After Children and will be reviewed in the light of any new funding arrangements.

Background and Context

The Welsh Assembly Government intends to redress the issue of financial discrepancy between former relevant children (care leavers) who undertake a course of higher education and their peers. The Government has therefore used the Children and Young Persons Act 2008 (“CYP Act”) to require local authorities to make a payment, to be specified as £2,000, to care leavers who undertake a course of higher education. This policy is based on evidence (*Going to University from Care*: Jackson, Ajayi and Quigley (2005)) that looked after young people finish higher education with an average of £2,000 more debt than their peers.

Evidence for Change

Many local authorities operate bursaries for care leavers proposing to go to university but prior to the 2008 CYP Act, there was no statutory requirement to do so and some local authorities may currently offer no specific assistance. We want to redress the balance and ensure that finance is not a barrier to care leavers who aspire to achieving higher level qualifications.

The Draft Regulations

The draft **Children Act 1989 (Higher Education Bursary) (Wales) Regulations** have the following effect:

- **Regulation 1** defines how the Regulations will be known and when they come into force. It specifies that the Regulations apply to Wales only.
- **Regulation 2** references the abbreviated Children Act 1989 to ‘the 1989 Act’.
- **Regulation 3** specifies that the ‘relevant amount’ is £2,000. The regulations do not restrict local authorities’ wide discretion to pay more than £2,000 as many already do, when considering the individual’s needs.

- **Regulation 4** provides a definition of higher education for the purpose of deciding who is eligible for the bursary, and makes reference to the Teaching and Higher Education Act 1998. It establishes that the course is of at least two academic years' duration and can be undertaken on a full-time (2 years minimum) or part time (more than 2 years) basis.
- **Regulation 5** provides for the way, either as a lump sum or by instalments, in which a local authority shall pay the 'relevant amount' to any former relevant child who has embarked on a course since September 2010. It provides clarity on when the first and final payments should be made. It identifies the firm link to the pathway plan and thus considerations of the feelings and wishes of the young person.
- **Regulation 6** sets out the circumstances in which the relevant amount (all or part) may be repayable. These circumstances are likely to be where the former relevant child ceases to pursue a higher education course. It enables the recovery of over-payments and any payments made in error to any person.

Consultation Questions:

1. Is the proposed definition of a course of higher education for these Regulations the right one for this purpose?
2. Does the proposed timing of payments to an eligible care leaver give the right level of flexibility in specifying when payments should be made?
3. In cases where the local authority exercises its power to pay the bursary as a lump sum is it right to specify that this should be at the start of the course?
4. Do you agree that local authorities should be required to pay the final instalment of the bursary no later than four academic years after the young person started the course, provided the young person is undertaking higher education studies in that academic year?
5. Do you agree with the proposed circumstances in which the relevant amount may be repayable?