

Fee waiver grant policy 2016-17

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Summary: This guidance describes the categories of students for which a college may use fee waiver grant from the Scottish Funding Council.

FAO: Principals and directors of Scotland's colleges

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FE Fee Waiver grant Policy 2016-17

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Introduction

1. This fee waiver grant policy describes the categories of students for which a college may use fee waiver grant from the Scottish Funding Council (SFC). The teaching allocation to Regions and Regional Colleges for AY 2016-17 includes an allowance for fee waiver, which is final.
2. The standard fee waiver grant policy should focus on the student rather than on the course of study (except courses classified as price group 5).

Policy changes for 2016-17

3. The residency information has been updated to include a paragraph regarding the eligibility of personnel currently serving in the UK Forces and service veterans and their family members. The remainder of the document has only had minor updates to the fee waiver grant policy for AY 2016-17 that reflect the changes to the year and updated web links.

Tuition Fee Rates

4. The full-time higher education tuition fee rate is set by the Scottish Government and has stayed at £1,285 for some time now. The full-time further education and part-time tuition fee rates remain at £1,008.

Eligible students

5. Subject to paragraphs 7 to 27, a college may use fee waiver grant in respect of activity by any of the following types of students:
 - i Further education (FE) students following full-time non-advanced programmes (other than those over the age of 18 who are studying at Orkney College or Shetland College) for whom credits can be claimed. However, students on courses which do not meet the current definition of full-time but would have been classified as full-time under the previous definition are eligible for a non-means-tested part-time fee waiver based on the credits for the course.
 - ii FE students for whom credits can be claimed, including those studying at Orkney College or Shetland College, with learning difficulties or disabilities on courses classified in price group 5.
 - iii Students for whom credits can be claimed, including those studying at Orkney College or Shetland College, who satisfy the criteria in the Student Activity Data Guidance and who are studying either:
 - A part-time FE programme. **OR**

- A part-time programme of study that is credit bearing at higher education (HE) level (equivalent to at least SCQF Level 7), up to and including a first degree.
- iv State school pupils undertaking college activities that form part of their school-based curriculum. Fee waiver grant will similarly be available for other pupils whose education is funded by the state. Such students should not be means-tested and are subject to the conditions set out in paragraphs 15 to 22 below.
- v Privately or home educated school pupils will be eligible for a part-time fee waiver on a means-tested basis (see paragraph 7 below). However, in exceptional circumstances, the college may waive the fees and claim fee waiver grant for privately or home educated pupils even if means-testing would otherwise rule them out. For example, where a pupil has additional support needs or other unavoidable circumstances that make it impossible for the pupil to be educated in the state school system.
- vi Only state school pupils undertaking college activities that form part of their school-based curriculum are eligible for an **automatic** non-means tested fee waiver grant. Other students under the age of 16 are eligible under the fee waiver policy like any other student. This means that for part-time activity, these students, like other students, should be means-tested as set out in paragraph 6 below.
6. The criteria referred to in paragraph 5 (iii) are shown below. Please note that the benefits and tax credits referred to relate to the UK benefit and tax credit system only:
- i The student or student's family are in receipt of:
- Income Support.
 - Working Tax Credit.
 - Pension Credit.
 - Income-based Job Seekers Allowance.
 - Income Related Employment and Support Allowance.
 - Housing Benefit.
 - Universal Credit.
7. Or the student is in receipt of:
- Carer's Allowance (or carers who have an 'underlying entitlement' to Carer's Allowance but gave up the allowance to, for example, claim their pension).
 - Disability Living Allowance.
 - Severe Disablement Allowance.

- Attendance Allowance.
 - Incapacity Benefit.
 - Contributory Employment and Support Allowance (this also includes people whose contributory ESA has ended due to the time-limited nature of this benefit, but who remain entitled to NI credits for incapacity).
 - Personal Independence Payment.
8. Or the taxable income of the student's family in the previous financial tax year (2015-16) is equivalent to or lower than the threshold below¹:
- Households with only one person: £8,282.
 - Households consisting of a couple without children: £12,395.
 - Households with dependent children: £18,977.
 - Where there has been a material reduction in income from the previous financial tax year, the taxable income of the student's family in the current financial tax year can be assessed.
- ii Or the student is a person, or the spouse or child of a person who is an asylum seeker living in Scotland as defined in section 18 of the *Nationality, Immigration and Asylum Act 2002* available at:
<http://www.legislation.gov.uk/ukpga/2002/41/contents>
- iii Or the student is looked after and in the care of a local authority or is living in a foster home or children's home, regardless of the age of that student.
9. The burden of proof is on the student to satisfy the college with evidence of their eligibility status. If the circumstances of the student change during the course so that the student becomes eligible for a part-time fee waiver when they were not previously, the college can, at their discretion, claim back the full fee from the SFC and reimburse the student. The change must occur and be reported to the college by the student before the 'required date' which, for AY 2016-17 is:
- 1 November for full-time courses/programmes starting in the summer session.
 - the date on which 25% of the course's duration in days has elapsed for other FT and PT courses/programmes (see Credit Guidance AY 2016-17 for more information).

¹ This is based on the 60% median of the households below average income statistics produced by the DWP for 2009-10 and are no longer available to view on the website.

10. Changes to student circumstances occurring after this date cannot be claimed back from SFC. However, colleges are free to use their own discretion with college funds.
11. A college will be able to use fee waiver grant in respect of the activity of a student only if they meet all the relevant criteria of the fee waiver grant policy and:
 - i That person falls within the definition of eligibility in Schedule 2 of *The Education (Access Funds)(Scotland) Determination 2013*. Please pay particular regard to paragraphs 8 and 10 in part 2 of schedule 2 which relate to fee only awards. The current regulations are available within the document which can be found at: [http://www.sfc.ac.uk/web/FILES/GuidanceStudentSupport/Further Education Residency Guide September 2013.pdf](http://www.sfc.ac.uk/web/FILES/GuidanceStudentSupport/Further_Education_Residency_Guide_September_2013.pdf), **or**
 - ii The student is ordinarily resident in Orkney or Shetland on the date of commencement of the course of study and has been ordinarily resident in the British Islands throughout the previous three years and is settled in the UK within the meaning of the *Immigration Act 1971* on the relevant date, **or**
 - iii The student is a person, or the spouse or child of a person, who is an asylum seeker living in Scotland on either a full-time English for Speakers of Other Languages (ESOL) course or a part-time non-advanced or advanced course, **or**
 - iv The student is a child of an asylum seeker or a young asylum seeker person on a full-time non-advanced course (excludes ESOL) and meets the criteria outlined in paragraph 10, **or**
 - v The student is a non-asylum seeker living in Scotland on a part-time ESOL course and the student's main purpose for being in the European Union is not to receive education (note that these students are still subject to the requirements as stated in paragraph 6).
12. The criteria referred to in paragraph 9(iv) are that the student's asylum application (their own or their family's application) must have been made prior to the end of 2006, and the student:
 - i Is resident in Scotland on 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of the course.
 - ii Has been resident in Scotland for a minimum period of three years.
 - iii Was under 18 years old on the date when the application for asylum was

made (the application must have been made prior to 1 December 2006).

13. Is under 25 years old on 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of the course.
14. This will apply to those students starting a new course or those continuing on a course. These criteria ensure that we meet our obligations under the United Nations Convention on the Rights of the Child.
15. There is no upper or lower age limit on students' eligibility for fee waiver grant.
16. With the exception of any fee waivers for state school pupils who are undertaking college activities that form part of their school-based curriculum, additional part-time activity over and above full-time study will not be eligible for a fee waiver grant although it may be eligible for credits (to determine if additional part-time activity is eligible, please refer to the credit guidance, which can be found on the [Guidance section of the SFC website](#)).
17. Students taking two or more part-time courses will be eligible for a maximum of one full-time fee waiver. The maximum amounts claimable for each student will be:
 - The FE fee (£1,008 in 2016-17) for students taking FE courses.
 - The FE fee (£1,008 in 2016-17) for students taking a mix of FE and part-time HE courses.
 - The HE fee (£1,285 in 2016-17) for students taking part-time HE courses (fee waivers should not be claimed for full-time HE courses, as these are funded through SAAS, see paragraph 21).
18. The college will be able to use fee waiver grant in respect of students who satisfy the eligibility rules for the course (as defined in the credits guidance circular) and the college is claiming credits for their activity in the current academic year.

Full-time advanced (higher education) fees

19. Fees for full-time advanced courses are assessed and paid, if eligible, by SAAS. Fees for full-time advanced courses are therefore not included in this fee waiver grant policy.

Programmes which span academic years

20. Colleges should record students eligible for fee waivers on programmes which span academic years in the academic year in which the course ends. This is consistent with how activity is claimed under the SFC's student activity guidance: <http://www.sfc.ac.uk/guidance/guidance.aspx>.

Veterans scheme

21. The Ministry of Defence (MOD) programme to assist service veterans gain access to education is continuing. The MOD will meet the fees for study up to Scottish Credit Qualifications Framework (SCQF) level 6 for AY 2016-17 for some service veterans who do not meet our fee waiver criteria. The number of students falling into this category is expected to be very small. Colleges should note that fee waiver grant cannot be used for any student being supported through this scheme. If you have any queries please visit the Enhanced Learning Credits Administration Service website at:
<http://www.enhancedlearningcredits.com>.

Forces personnel and veterans

22. Under the temporary non-resident arrangements, forces personnel and veterans are treated as being resident in the country in which they were ordinarily resident before they “signed up/enlisted”. If they are ordinarily resident in Scotland but are serving overseas, they would also be eligible. Family members of serving forces personnel and veterans are also considered eligible in the country in which the serving forces personnel was ordinarily resident.

Administrative arrangements

23. For audit purposes all students must demonstrate their eligibility for fee waiver by presenting college officials with appropriate documentary evidence (for example, from the Department for Work and Pensions, or HM Revenue and Customs). The college officials must view this evidence prior to fee waiver grant being claimed. It is the responsibility of colleges to verify that students have produced appropriate evidence. The college should be able to provide summary details of the nature of the evidence presented if requested. However, colleges do not need to retain copies of the evidence. For school pupils, college officials should have documentary evidence from the school or local authority confirming that the student is undertaking additional college activity as part of their overall school based curriculum.
24. Colleges are responsible for administering student fee waivers and should advise actual and prospective students on eligibility for fee waivers and should not direct student enquiries towards SFC. SFC will advise colleges on the interpretation of this policy as necessary. If there is any doubt, colleges should seek advice from the contact person for this document.
25. It is anticipated that this policy will be reviewed on an annual basis to take into account, for example, changes to benefit or tax credit entitlements made by the

Department for Work and Pensions, Job Centre Plus and/or HM Revenue and Customs.

Conditions of grant

26. It is a condition of grant that no fees should normally be charged to students who meet the residency requirements of this fee waiver grant policy who are studying full-time in FE or on full or part-time courses designed for, and delivered to, students with additional support needs. In claiming a fee waiver grant for any student on any course, the college cannot charge that student any other fees for that course and must abide by the Scottish Government's policy that such students should not have any charge levied from them that could be construed as 'top-up' fees. Guidance relating to permissible charges and top up fees is contained in circulars [FE/08/99](#) and [HE/37/99](#).

27. The guidance on the criteria for which fees may be permissible states that permissible charges are dependent on what is over and above core provision, please see the excerpts below:

“whether the goods and services are over and above core provision. A working definition of ‘core provision’ is - that which will provide the student with the complete range of skills and knowledge to enable them to attain the highest grade or qualification from the course they, potentially, could achieve. Institutions should not make any charges over and above the set tuition fees for anything which falls within ‘core provision’.”

“where the student can choose not to buy the services or goods for which charges are made and still complete the course, or it is open to them to make alternative provision, charges for the provision are likely to be considered permissible.”

28. Colleges cannot use fee waiver grant for a student being supported by an Individual Learning Account (ILA) grant.

29. Fees may be charged to a student where SAAS do not (or have refused to) pay the fees for an HE full-time student or where a student refuses to provide a valid application to SAAS. Fees may continue to be charged to a third party sponsoring a full-time student (such as an employer), however, the college may not also claim fee waiver grant for such a student.

30. With the exception of these conditions, colleges are free to determine their own fee policies. Colleges will wish to be mindful of the financial consequences of their fee policies in relation to the notional fee levels and the fee waiver grant policy used in the funding methodology. However, the cost of any fees waived by colleges that are not covered by this standard fee waiver grant policy

will need to be met by the colleges themselves and are not covered by the SFC fee waiver grant.

Further information and feedback

31. For further information on the interpretation of this policy, or to provide any feedback, please contact: Jane Scott, Policy Officer, Funding Policy, tel: 0131 313 6660, email: jscott@sfc.ac.uk.

A handwritten signature in blue ink that reads "Martin Smith".

Martin Smith

Chief Funding & Information Officer