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National policy for further education bursaries: 2018-19

Advisors Notes

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National policy for further education bursaries: 2018-19 - Advisors Notes

Introduction

1. The Advisors Notes are set out for users of the National Policy for Further Education Bursaries to provide clarity on the many terms used throughout the separate sections of the guidance.

Adult dependant

2. This is an adult who is financially dependent on the student **or** for whom they have care responsibilities. In order to be defined as an adult dependant, the person must be aged 16 or over. The adult dependant will normally be:
 - A family member (e.g. parent, partner or child) who is financially dependent on the student **or** for whom the student has carer responsibilities **or** legal responsibility.
 - A child between the ages of 16 and 24 (inclusive) who is in full-time education.

Alternative funds

3. These are funds available to the student which are intended to cover similar costs to bursary funding. This will include EMAs. It will also include state benefits which are intended to cover general living costs. It does not include benefits paid for other purposes. Benefits which count as alternative funding include, but are not limited to: maternity allowance, income support, jobseeker's allowance, employment and support allowance, statutory maternity pay, statutory paternity pay and statutory sick pay.

Assessable parent

4. This is the parent who will be assessed for contributions towards the student's support in situations where the student either:
 - Lives in the parental home – the college should assess the parent who the student lives with. Where the student lives with both their parents, the college should take the household income. **OR**
 - Does not live in the parental home – the college should assess the parent with whom the student most recently resided. Where the student lived with both their parents, the college should take the household income.
5. The definition of parent includes step-parents, partners of parents and guardians. If the assessable parent lives alone then this status should be supported by documentary evidence such as a Council Tax bill.

Bursary

6. A bursary is a financial award given to a student at the discretion of a college to help maintain that student in their education beyond their statutory school leaving date. An award can include allowances that cover a student's maintenance, travel and study costs. Colleges can also use bursary funds to cover costs incurred by a student due to an adult dependant and / or additional support needs for learning. The bursary fund is cash-limited. Students who are eligible for support from this fund are not automatically entitled to this support.

Care Experienced / Care Leavers / Looked after Children & Young People

Summary

7. The terms Care Experienced, Care Leaver and Looked After refer to young people up to 26 years old who have experience of being in care at any time of their lives or who are currently looked after. It includes any student who is under the care of the Local Authority, including (but not limited to) where the care is being provided in the student's own home, in their parent(s) home, in the home of relatives, in a foster home, a care home or a residential unit. It also includes students who are cared for under a kinship order. The following SAAS document provides more information on the different [types of Care Experience](#).
8. Some further information on Care Experience can be found on the following websites:
 - [Centre for Excellence for Looked After Children in Scotland](#).
 - [Mentor UK](#).

Children (Scotland) Act 1995

9. Under the provision of the Children (Scotland) Act 1995 "Looked after Children" are defined as those in the care of their local authority and will come into one of the following categories.
 - Looked after at home: Where the child (or young person) has been through the Children's hearing system and is subject to a Supervision Requirement (regular contact with social services) with no condition of residence. The child then continues to live in their regular place of residence (in most cases, the family home).
 - Looked after away from home: Where the child or young person has either: been through the Children's Hearings system and is subject to a Supervision Requirement with a condition of residence; is subject to an order made or authorisation or warrant; is being provided with accommodation under a voluntary agreement; or is placed by a local authority which has made a

permanence order. In these cases the child is cared for away from their normal place of residence, by foster, or kinship carers, prospective adopters, in residential care homes, residential schools, or secure units.

- Kinship order: In addition to the above, students who are subject to a Kinship Order may also be categorised as care experienced by the college.

The Children and Young People (Scotland) Act 2014

10. This Act introduces provisions that ensure better permanence planning for looked after children by: amending the Children (Scotland) Act 1995 to ensure that those leaving care aged 16 will become eligible for aftercare immediately; extending the entitlement to aftercare support available to care leavers from those up to the age of 21 to those aged up to 26; all young people in care born after April 1999 to have the entitlement to stay in foster, kinship or residential care placement until the age of 21.

Informal Care Arrangements

11. Students in informal care arrangements are not looked after under the meaning of the relevant legislation do not automatically qualify for funding as care experienced. However, the college may take the decision that students in informal care arrangements are self-supporting and allocate a higher rate of funding on this basis.

Carer

12. The Carers (Scotland) Act 2016 defines carers as those who provide unpaid support to family and friends who could not manage without their help. A carer and young carer are defined in the Act as follows:
 - Carer: “In this Act a ‘carer’ means an individual who provides or intends to provide care for another individual (the ‘cared for person’)”.
 - Young Carer: “In this Act ‘young carer’ means a carer who is under 18 years old”.
13. The organisation VOCAL is an organisation that operates in Edinburgh and Midlothian, they provide [useful information for carers](#).

Child / Children

14. For a person to be defined as a child they must be:
 - Aged under 16. **OR**
 - Aged between 16 and 24 (inclusive) and still in education, unless they can be defined as self-supporting.

15. It should be noted that, students under the age of 25 at the start of their course will still be the responsibility of an adult (as in the **Family** section below) unless they are classified as self-supporting (see paragraph 49 for the definition of a self-supporting student).

Parents' obligation to support children undergoing education or training up to the age of 25 is set out in Section 1(5) (b) of the [Family Law \(Scotland\) Act 1985](#) (this covers both fees and student support).

Childcare

16. This is provision that is eligible for funding from the Childcare Fund that SFC allocates to colleges.

Childcare Fund

17. This is a fund allocated to colleges to assist eligible students with their childcare costs. Colleges should refer to the National Policy for FE and HE Childcare Funds published at the same time as this policy.

Civil Partnership

18. The student or partner is in a civil partnership if they are in a relationship formed by two people of the same sex and they have registered their relationship by going through a registration procedure similar to that for civil marriage.
19. Colleges are advised that the onus is on the student to prove that the relationship is an established one. This proof will require documentary evidence such as a marriage certificate, a recent Council Tax bill or an official letter that clearly states the couple's names and addresses.

Course start date

20. This is the date the course starts rather than the date the student starts the course.

Current Income Support levels

21. This is defined as the age-related weekly personal allowance as stipulated on the [UK Government's website](#).

DLA mobility

22. More detailed information on this can be found in the [Child Poverty Action Group in Scotland \(CPAG\) web pages](#).

Earned income

23. This is the gross income deemed to be available to:
- The employed through earnings gained from employment in the form of a salary, wages, commission, bonus, overtime and other payments.
 - The self-employed through income derived from trade, business or profession. This income is shown on either the taxpayer's completed self-assessment forms or the HM Revenue & Customs' calculation of tax due (e.g. form SA302).
 - It also includes any monies paid as compensation for loss of income.

Education maintenance allowance (EMA)

24. An EMA provides maintenance support for young people from low income households who undertake post-compulsory, non-advanced courses at school or college. This is a national programme administered in the FE sector by the colleges and SFC. It is not supported by bursary funds, nor is it subject to this bursary policy.
25. This programme affects eligible 15 to 19-year-olds who have passed their statutory school leaving date. For students aged under 18:
- If they live at home, they are only eligible for an EMA because the EMA replaced the *at home maintenance allowance* bursary award.
 - If they live away from home, they may be eligible for an EMA and the *students under 18 away from parental home maintenance allowance* bursary award.
 - If they live in college approved accommodation, they may be eligible for an EMA and the *college approved accommodation allowance*. However, if they do not qualify for an EMA, either because they are self-supporting or because their parental income is higher than the EMA income threshold, then the college can award the *college approved accommodation allowance* and the *personal allowance for students in college accommodation*.
26. Some students will fall within the age eligibility for both EMAs and for parentally supported maintenance bursaries. Students in this age group who are eligible to be assessed as a parentally supported student should be offered a bursary instead of an EMA and be categorised accordingly.
27. Some students in the EMA age group, who would ordinarily be eligible to be assessed for bursary support as a self-supporting student and would be better off on that allowance, may be offered it instead of an EMA (and associated bursary allowances) and be categorised accordingly, at the college's discretion.
28. Students who are eligible for an EMA and for a parentally supported

maintenance bursary or a self-supporting maintenance bursary may receive either but not both.

29. Please refer to the EMA Scotland Business Model, EMA Scotland Guidance, the EMA Scotland Good Practice Guide and the [EMA Scotland website](#) for more details.

Family

30. A family is defined as:

- A married or unmarried couple. **OR**
- A couple in a civil partnership. **OR**
- A married or unmarried couple or a couple in a civil partnership and any child or young person who is:
 - A member of the same household. **AND**
 - The responsibility of either or both member of the couple, as explained in the section **Child** above. **OR**
- A person who is not a member of a married or unmarried couple or civil partnership (this will usually be a lone parent) and any child or young person who is:
 - A member of the same household. **AND**
 - The responsibility of that person, as explained in the section **Child** above.

Financial tax year

31. The financial tax year runs from 6 April to 5 April in the following year. For self-employed persons this is defined as the trading year which ends during the relevant financial tax year.

Full-time course: DWP definition

32. For bursary purposes a full-time student is a student who attends a course which requires a full-time weekly commitment.
33. Short full-time courses are eligible for support for the duration of the course. Colleges should note that the Department of Work and Pensions (DWP) generally defines a full-time non-advanced student as:

A student who is aged 19 or over and is attending or undertaking a full-time course of study which is not higher education and is funded in whole or in part by the Scottish Ministers at a college of FE if it involves:

- More than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according

to the number of hours set out in a document signed on behalf of the college. **OR**

- 16 hours or less per week of classroom-based or workshop-based programme learning under the direct guidance of teaching staff, and it involves additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college.
34. Students under 19, and 19-year-old students who were less than 19 when they accepted, enrolled in or started on the course, are treated as in full-time education when “attending a course of education at a recognised educational establishment and in the pursuit of that course, the time spent receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any exercise, experiment or project for which provision is made in the curriculum of the course, exceeds 12 hours per week. However time spent in pursuit of the course is calculated, no account shall be taken of time occupied by meal breaks or spent on unsupervised study, whether undertaken on or off the premises of the educational establishment.” This does not include students under 19 in advanced education.
35. Colleges should check whether students’ circumstances entitle them to support from benefits and consider whether these should be taken into account as alternative funds.

Full-time course: SFC definition for measuring activity

36. The SFC Credit Guidance includes a definition of full-time activity to measure activity counted in the calculation of SFC core funding. This relates to the funding of activity and does not impact on bursary eligibility. See the SFC Credit Guidance for AY 2017-18 for more information on the annual commitment for a full-time course.

Married

37. The student or parent is legally married, is in a legally recognised civil partnership, or is living with a partner in an established relationship at the start date of the course. The onus is on the student to prove they are in an established relationship if they wish to be considered as a self-supporting student on that basis.
38. This proof will require documentary evidence such as a marriage certificate, a civil partnership certificate, a recent Council Tax bill or an official letter that clearly states the couple’s names and address.

Non-advanced course

39. This is a course of fundable further education as defined in the *Further and Higher Education (Scotland) Act 2005* (section 5).

Open learning

40. Where classroom attendance is not planned, students are defined as undertaking open or distance learning and, subject to normal eligibility criteria, may be considered for support from bursary funds (see paragraphs 145-148 of the Award Assessment section). In considering attendance for these students, colleges should have regard to evidence of continuing participation and progression on an agreed programme.

Parent / parental

41. A parent is an adult on whom the student is “in practice” dependent. It therefore includes step-parents, partners of parents and guardians.

Parental home

42. This is the home of the assessable parent.

Parentally supported students

43. A student who is aged 18 or over but under 25 years of age on the start date of their course (as set out in the Family Law Act (1978), unless they are classified as self-supporting (see paragraphs 49 to 52) for the definition of a self-supporting student)

Partner

44. For assessment purposes a Partner is a husband, wife, civil partner, or partner (of an established relationship) of a student or their parent.

Part-time

45. For bursary purposes, a part-time student is a student who attends a course which requires a part-time weekly commitment. Courses which do not meet the definition of a full-time course as set out in the Credit Guidance will be considered as part-time. DWP regards as part-time a student who is not enrolled on a full-time course of study. Part-time students will generally be entitled to access benefits. (See also the definition of **full-time**).
46. Colleges may offer part-time students travel and study costs, additional support needs for learning allowance, and a part-time EMA, but not normally bursary maintenance funding. However, part-time students who are unable to access alternative funds may, at the college’s discretion, be considered for maintenance from FE discretionary funds.

Permanent home

47. This is the student's established home. If, at the start of the course, that student was (or is expected to be) living with one or more of their parents, then the parental home is the permanent home. Colleges should seek documentary evidence of an established tenancy or of ownership if the established home of a student under 18 or a parentally-supported student is to be accepted as other than the parental home.

Qualification

48. An award that is recognised, or examined by an external awarding body such as Scottish Qualifications Authority or City and Guilds.

Self-supporting students

49. Most self-supporting students will be those aged 25 or over on the start date of their course. A student will also be considered self-supporting if they have not yet reached the age of 25 and one or more of the following applies on the start date of the course:

- They are married (see paragraphs 37 to 38). This does not include situations where the student was married but that marriage broke down prior to the start date of the course.
- They have no living parents.
- They are caring for a child dependent on them.
- They have supported themselves for periods aggregating no less than three years. This includes periods where the individual was either:
 - i In employment and earning equal to or more than current income support levels.
 - ii Supported by a partner with earnings equal to or more than current income support levels.
 - iii On a training programme operated by or on behalf of the Scottish Government, or Skills Development Scotland.
 - iv In receipt of unemployment benefit / jobseeker's allowance and / or can provide confirmation that they were available or registered for employment or actively seeking employment.
 - v In receipt of employment and support allowance, sickness benefit, invalidity pension, incapacity benefit, maternity allowance, severe disablement allowance, statutory sick pay or statutory maternity pay.
 - vi In receipt of income support.
 - vii In receipt of Universal Credit.
 - viii Living away from the parental home and can provide a copy of a formal rent agreement for the relevant period.
 - ix In receipt of housing benefit for the relevant period.

- x Caring for a person (adult or child) dependent on them. The college should look for evidence that the student has been the primary carer for an adult. **OR**
 - xi Estranged from their parents and can provide proof of this.
50. The meaning of estrangement in this context means a permanent and irrevocable breakdown in the parental / child relationship. Colleges should note that a breakdown in family communication is not considered to be estrangement and any award in this situation must take account of parental income.
51. Proof of a permanent and irrevocable breakdown in the parental / child relationship should be established by a letter from a lawyer, a doctor, a head or guidance teacher, or from someone in authority who knows the family well enough to confirm the position. Colleges may wish / need to interview to establish this position. The organisation Stand Alone, although its focus is on the funding system in England and Wales, provides a helpful check list of the information that may be considered to support funding applications from students who are without parental support: [Stand Alone - checklist for supporting information](#)
52. This list is neither exhaustive nor prescriptive and the onus is on the student to provide documentary evidence to prove they have self-supporting status. If there is not sufficient evidence to prove this, then the college should consider that student under one of the other categories of support.

Statutory school leaving date

53. As defined in *the Education (Scotland) Act 1980*, the dates at which a person can leave school are pre-determined by when that person becomes 16 years of age. This means that a person is no longer of compulsory school age from:
- Summer school leaving date (that is the last day in May), if they reach 16 years of age on or after 1 March but before the following 1 October. **OR**
 - Winter school leaving date (that is the first day of the Christmas holidays or 21 December for non-attendees), if they reach 16 years of age on or after 1 October but before the following 1 March.

Students under 18 (“EMA students”)

54. A student who is beyond their statutory school leaving date but under the age of 18 on the start date of their course. See the section on EMAs for more information about maintenance funding for students under the age of 18.
55. Colleges may also consider students under 18 for study, travel and, where applicable, additional support needs awards if they meet the relevant eligibility

criteria. Subject to the circumstances of the student, this award can also include an allowance for an adult dependent.

Unearned income

56. (See also Tables 1 and 2 of the Award Assessment Section) This includes, but is not restricted to:
- Unemployment / social security benefits which provide a replacement income including pensions and allowances but excluding benefits for additional costs such as attendance allowance or child benefit.
 - Private or employer's retirement pension.
 - Profits from property, boarders, casual fees etc.
 - Interest paid from banks, building societies, dividends etc.
 - Trust funds.
 - Working tax credit but not any elements paid in respect of childcare or disability.
 - Maintenance paid into the household by someone who does not live in the household. This income is deemed to belong to the person it is paid to regardless of who it was paid for.
 - Child maintenance and child support received. This income belongs to the person it is paid to regardless of who it was paid for. This income should only be included in a parental or partner's income assessment and should not feature in a student's income assessment.
 - Fees paid for fostering childcare. A foster allowance is usually paid in two parts. Part one is an allowance to cover additional costs associated with fostering e.g. additional food etc. and part two is paid to provide the foster family with an income. Part one should be disregarded for all income assessments. Part two should be included as unearned income for the household, but disregarded for the student.

Universal Credit

57. This benefit is being gradually rolled out across Scotland to replace 6 other benefits (Working Tax Credit, Child Tax Credit, Employment and Support Allowance, Job Seekers Allowance, Income Support and Housing Benefit). Some students (primarily those who are disabled and / or who have children and/or young people estranged from their parents) may be eligible for student support whilst receiving Universal Credit. See paragraphs 54-58 of the Award Assessment section for further details.

Veteran

58. A [Veteran](#) is anyone who has served for at least one day in the UK Armed Forces (regular and reserve) or Merchant Mariners who have seen duty on military operations.

Bursary award letters

1. Students should be issued with clear bursary award letters each year for the following reasons:
 - It allows the student to budget effectively and sets realistic expectations of the level of funding they can expect to receive.
 - It acts as a source of evidence for external agencies, such as Council Tax teams in Local Authorities or Benefits Agencies.
 - The introduction of Universal Credit means that students must be able to provide evidence of the student funding they receive and details the separate funding streams they have been awarded.

2. Bursary award letters should contain the following information:

Information to include	Why information is required
<ul style="list-style-type: none"> • Whether the student is studying on a part-time or full-time course. 	<p>Full-time students will be eligible for a council tax discount.</p> <p>Part-time students will be eligible to apply for benefits whilst studying.</p>
<ul style="list-style-type: none"> • Overall maintenance allowance awarded*. • EMA awarded. • Travel allowance awarded. • Study cost allowance, stating whether this is awarded to the student or the department. • Dependant allowance awarded. • Additional Support Needs allowance awarded. 	<p>It is important, particularly for students in receipt of benefits such as Universal Credit, that agencies can differentiate between funding that has been allocated for general living costs and funding that is allocated for a specific purpose such as travel expenses or study costs.</p>
<p>A payments schedule (example included overleaf), stating:</p> <ul style="list-style-type: none"> • The overall amount that students can expect to be paid. • How often payments will be made. • The start and end date for payments. 	<p>To allow students to budget effectively.</p> <p>Evidence of the start / end date of study is important when students cease their studies, particularly if they need to claim benefits.</p>

*This may include details of how the maintenance allowance has been calculated, including reductions applied in respect of student / parental / partner's income.

3. The letter should include the following additional details:
 - Student's name, address, ID number and course title.
 - Information on how payments will be made, e.g. BACS transfer.
 - Confirmation of the student's fee status – whether course fees have been waived or if there is a fee to pay.
 - Reminder of the student's obligations under the attendance and good conduct policies.
 - Details of how attendance will be monitored and how failure to comply with the attendance policy will lead to a reduction in bursary payments. (An example schedule linking payment with attendance is included below.)
 - Instructions on moving from benefits to college funding and procedure for withdrawal from course.
 - A form to be completed by the student indicating acceptance of the award and the terms and conditions on which it is being awarded should be attached to the award letter.

4. Letters may be issued in electronic or paper format at the college's discretion.

Example bursary attendance / payment schedule:

Attendance From	Attendance To	Amount	Payment Date
27/08/2018	31/08/2018	£98.87	31/08/2018
03/09/2018	07/09/2018	£98.87	14/09/2018
10/09/2018	14/09/2018	£98.87	14/09/2018
17/09/2018	21/09/2018	£98.87	28/09/2018
24/09/2018	28/09/2018	£98.87	28/09/2018
Total payments		£494.35	