EXPLANATORY MEMORANDUM TO

THE EDUCATION (STUDENT SUPPORT) (CORONAVIRUS) (AMENDMENT) REGULATIONS 2021

2020 No. 268

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument makes amendments to the Education (Student Support) Regulations 2011 (S.I. 2011/1986) ("the Student Support Regulations") relating to living costs support for students in higher education.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 This instrument makes amendments to the legislation governing undergraduate student funding in England.

6.2 The Student Support Regulations provide for support for undergraduate students taking designated full-time and part-time undergraduate courses and also for certain postgraduate higher education courses. The support provided for under these Regulations includes partially means-tested loans for living costs.

7. Policy background

What is being done and why?

7.1 Students aged under 60 on the first day of the first academic year of their course attending full-time undergraduate courses, full-time postgraduate courses in initial teacher training and full-time postgraduate pre-registration healthcare courses qualify for partially means-tested loans for living costs in respect of an academic year. These loans are paid at different rates depending on where the student is living and studying for the majority of each term (known as a 'quarter' in the Student Support Regulations). The rates of loan for students living away from home and studying in London or outside London are higher than the rate of loan for students living in their parents' home. Students attending full-time courses requiring more than 30 weeks and 3 days full-time attendance in the academic year qualify for additional means-tested long courses loans which are also paid at different rates depending on where the student is living and studying for the majority of a quarter.

7.2 Students attending part-time level six courses and part-time postgraduate initial teacher training courses also qualify for the same rates of partially means-tested loans for living costs as full-time students, pro-rated on the intensity of study undertaken compared to a full-time course.

7.3 COVID-19 public health guidance advised most students to stay at home and not return to term-time accommodation for the start of the 2020/21 spring term starting in January 2021. With the Government's new roadmap to easing COVID-19 restrictions, the Government will review, by the end of the Easter holidays, the options for timing of the return of remaining students. Some students may not have received their maintenance payments, depending on their term start dates, by the time this decision is made. Depending on the nature of that decision, that may mean that students who continue to live at home in accordance with Government guidance, would, under the current Student Support Regulations, be entitled to the lower parental home rate of loan for living costs whilst also paying for accommodation near their university.

7.4 Changes to the Student Support Regulations were not needed for the spring term because announcements on the national lockdown and revised guidance on students' return to university were made after students had been paid their loans for living costs for the period 1 January 2021 to 31 March 2021. Although some students may have been paid more than their entitlement under the Regulations if they remained living at their parents' home for the majority of this period, the Secretary of State has a discretion as to recovery of overpayments and can seek repayment as part of the ordinary repayment of the overall loan balance rather than recovering from ongoing loan payments.

7.5 For the summer term starting on 1 April, we need to amend the Student Support Regulations to allow students who were living away from home but are now living in their parents' home as a result of public health guidance to continue receiving the higher London or outside London rates of loan for living costs.

7.6 This instrument amends the Student Support Regulations from the date the instrument comes into force so that full-time students who were being paid the London or outside London rates of loan for living costs and, where applicable, long courses loan for the academic quarter ending on 31 March, will continue to qualify for that rate of loan for the academic quarters from 1 April to 30 June and 1 July to 31 August

respectively, which cover the summer term period for the 2020/21 academic year, unless they ask to be reassessed for the parental home rate of loan for living costs.

7.7 This instrument makes corresponding changes to the Student Support Regulations for part-time students in respect of loans for living costs from the date this instrument comes into force.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 The Department is currently considering the feasibility of consolidating the relevant legislation for the academic year starting in August 2022.

10. Consultation outcome

10.1 There is no statutory requirement to consult on these amendment regulations. However, as part of a quality review process a draft of this instrument was sent to the Student Loans Company for their review and comment.

11. Guidance

11.1 Guidance will be provided for students and the wider higher education sector on this change on .GOV.UK and Student Finance England websites.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because this instrument relates to the maintenance of existing regulatory standards.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 We will be monitoring the number of students who receive loans for living costs. This information is published in the Student Loans Company's Statistical First Releases.

15. Contact

15.1 Camilla Reinert at the Department for Education telephone: 07388 372 258 or email: camilla.reinert@education.gov.uk can be contacted with any queries regarding the instrument.

15.2 Paul Williams, Deputy Director Student Funding Policy, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

15.3 Michelle Donelan, Minister of State for Universities at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.