EXPLANATORY MEMORANDUM TO

THE EDUCATION (SUPPLY OF STUDENT SUPPORT INFORMATION TO GOVERNING BODIES) REGULATIONS 2006

2006 No. 141

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

2. Description

2.1 These regulations will enable prescribed student support authorities to share data with Higher Education institutions (HEIs) for the purpose of assisting those HEIs with the administration of the bursaries or other financial support they provide to their students.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Regulations are the first to be made under section 45 of the Higher Education Act 2004 ("HEA 2004"). Section 45 enables the Secretary of State to make Regulations to allow student support authorities (as defined in section 45) to supply to persons prescribed in the Regulations information they hold in connection, or as a consequence of the operation of, the student support scheme. The "student support scheme" means the provisions of regulations made under section 22 of the Teaching and Higher Education Act 1998.

4.2 Information may only be supplied under regulations under section 45 with the consent of the person to whom it relates.

4.3 The Regulations have been made in order to assist HEIs with administration of the bursaries and other financial support they provide for their students. They enable:

(a) the Secretary of State;
(b) local education authorities falling within section 45(7)(b); and
(c) the SLC (being a person falling within section 45(7)(c),

to supply for this purpose and with the consent of the student (and where relevant the student's partner, parent or parent's partner) information provided in connection with, or derived from, an application for support payable under the student support scheme.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy background

7.1 All HEIs in England that wish to charge fees above the standard level (£1,200) in 2006/07 must submit an access agreement to the Office for Fair Access (OFFA) setting out how they will safeguard and promote fair access in particular for students from low income backgrounds. In very general terms, those HEIs whose access agreements have been approved by OFFA will be able to vary fees from £0 up to a maximum of £3,000 per year for full-time course for new students.

7.2 It is our policy intention that, as a minimum, a new student who is:

(a) entitled to a full Maintenance Grant or Special Support Grant under the student support scheme from 2006/07; and

(b) charged fees of more than £2,700,

be entitled to a bursary of at least the difference between £2,700 and the actual fee charged and that this should be provided for in an HEI's access agreement. The formal letter of guidance issued to the Director of Fair Access to Higher Education in October 2004 confirms this policy intention. HEIs may of course provide more generous bursaries or bursaries to wider groups of student.

7.3 During the HEA 2004's passage through Parliament, the Secretary of State invited Universities UK (UUK) to consider how the SLC could help institutions administer the bursaries contained in their access agreements. Following a consultation with institutions, UUK, the Standing Conference of Principles (SCOP) and the Association of Colleges (AOC) elected to proceed with a central scheme for administering institutional bursaries and scholarships delivered by the SLC utilising student data already held within the student support system.

7.4 The intention is that the central scheme will cover the administration of all institutional bursaries and financial support offered to students and not just those which an institution may have included in its access agreement. The intention is that institutions located elsewhere the United Kingdom can also participate in the scheme.

7.5 Implementation of the central scheme is dependent on the SLC being able to share information from the student support application form (e.g. address, student identifiers, bank account details) and information derived from that form (e.g. the eligibility decision, household income calculation) with HEIs . Using data that students and their families have already provided for the purposes of the student support application potentially reduces bureaucracy for them, as they will not need to be asked for this information again. It also potentially reduces the administrative burden on institutions, particularly those with high numbers of bursary eligible students, who will not need to approach the student again for information that they have already provided in connection with their student support application.

7.6 Regulations were required to be made under section 45 of the HEA 2004 to enable relevant information to be supplied by the SLC for the purpose of assisting

HEIs to determine eligibility for, and make payments of, the bursaries and other financial support they are offering to their students. This will of course only be done where the necessary consent has been provided by the student and where relevant his partner, parent or parent's partner.

7.7 The Regulations also provide for relevant local education authorities and the Secretary of State to supply identical information to HEIs for bursary administration purposes. Again, this can only be done with the necessary consent. This provision was included to enable information to be supplied to HEIs who have chosen not to participate in the central scheme.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

Shiv Duggal at the Department of Education and Skills Tel: 0207 925 5348 or e-mail: shiv.duggal@dfes.gov.uk can answer any queries regarding the instrument.