



Scottish Funding Council
Comhairle Maoinachaidh na h-Alba

Fee Waiver policy AY 2021-22

SFC Guidance

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Summary: Describes the categories of students for which a college may use an SFC fee waiver in AY 2021-22.

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Fee waiver policy AY 2021-22

Introduction

1. This document describes the categories of students for which a college may apply a fee waiver from the Scottish Funding Council (SFC) in Academic Year (AY) 2021-22. Eligibility is summarised in the diagram at Annex A. The core teaching allocations set out in the [College Outcome Agreement Funding allocations for AY 2021-22](#) include an allowance for fee waivers.
2. The standard fee waiver policy should focus on the students rather than on the course of study (except courses classified as price group 5).

Policy changes for AY 2021-22

3. From AY 2021-22, colleges will be able to allocate a fee waiver to students on short full-time courses, where the student has been assessed as eligible for bursary support. Further details are set out at paragraphs 7 to 9 below.

Tuition fee rates

4. The full-time Higher Education (HE) fee rate (for Higher National/sub-degree courses) is set by the Scottish Government and remains at £1,285. The Further Education (FE) full-time and part-time tuition fee rates remain at £1,008.

Eligible students

5. A college may apply a fee waiver in respect of activity for any of the following types of students:
 - i 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 Flexibilities have been introduced to the credit guidance on claiming credits for short re-skilling and upskilling programmes. If colleges have students on short-full time courses, they may allocate a fee waiver if the student is assessed as eligible for student support.
 - iii FE students where credits can be claimed, including those studying at Orkney College or Shetland College, with learning difficulties or disabilities on courses on price group 5.

- iv Students for whom credits can be claimed (see the [Credit Guidance](#) for more details) and who satisfy the conditions in paragraph 6 below, including those studying at Orkney College or Shetland College, and who are studying either:
 - a part-time FE programme

OR

 - a part-time programme of study that is credit-bearing at HE level (equivalent to at least SCQF Level 7) up to and including a first degree.
- v State school pupils undertaking college activities that form part of their school-based curriculum. The fee waiver will similarly be available for other pupils whose education is funded by the state. Such students should not be means-tested.
- vi Privately or home-educated school pupils will be eligible for a part-time fee waiver on a means tested basis. However, in exceptional circumstances, the college may waive the fees and claim fee waiver for privately or home-educated pupils, even if the 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.
- vii 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. 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, as with other students, should be means-tested.

Part-time students

- 6. Part-time students (referred to in paragraph 5iv above) should satisfy the criteria below. The benefits and tax credits referred to relate to the UK benefit and tax credit system only:
 - i The student or the student's family are in receipt of:
 - Income Support.
 - Working Tax Credit.
 - Pensions Credit.
 - Income-based Job Seekers Allowance.
 - Income-related Employment and Support Allowance.
 - Housing Benefit.
 - Universal Credit.
 - ii Or the student is in receipt of:

- Carer's Allowance (or carers who have an 'underlying entitlement' to the Carer's Allowance but gave up the allowance to, for example, claim their pension), Carer's Allowance Supplement or the Young Carer's Grant.
 - Disability Living 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.
- iii Or the taxable income of the student's family in the previous financial tax year (2020-21) 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.
- iv 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 7 Asylum Act 2002](#).
- v Or the student is care-experienced. This is defined as looked after and in the care of the local authority and can include situations where the student is living in a foster home, children's home, residential home, in kinship care or in the care of the local authority in their own home.

Students on short full-time courses

7. Under SFC's current student support guidance, colleges can provide bursary and other student support for short full-time courses. Flexibilities have also been introduced to the credit guidance on claiming credits for short re-skilling and upskilling programmes. In some cases the low income threshold for fee waiver eligibility meant that students on short-full time provision were being assessed by colleges as ineligible for fee waiver despite being eligible for bursary support.
8. In June 2020, Scottish Ministers commissioned SFC to undertake a wide-ranging review of our policies and funding for colleges and universities, with a view to securing coherent provision and the financial sustainability of the sector.

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.

Consideration of funding and policy around alternative forms of provision, such as short full-time courses, may be addressed by the review in due course.

9. In the interim, colleges can allocate a fee waiver to students on short full-time courses where the student has been assessed as eligible for bursary support. However, this will not apply to 'closed' courses or those being privately funded by employers. Colleges should note that, in the FES return, they should classify students in this situation using the new code 56. Further details are set out in the [FES Guidance](#).

Residency

10. A college will be able to apply a fee waiver in respect of the activity of a student, only if they meet the criteria set out in this document and they are eligible for support on the basis of residence:
 - i That person falls with the definition of eligibility in Schedule 1 of The Education (Access Funds) (Scotland) Determination 2021. [The current residency regulations²](#) are on the SFC website. **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 seeking person on a full-time non-advanced course (excludes ESOL) and meets the criteria outlined in paragraph 11. **OR**
 - v The student is a non-asylum seeker living in Scotland on a part-time ESOL course and the student's main purposes for being in the European Union (EU) is not to receive education (note that these students are still subject to the requirements as stated in paragraph 6).

² The fully updated version of the residency regulations for AY 21-22, which will reflect changes arising from Brexit, is expected to be published in summer 2021. In the interim, SFC and SAAS have previously circulated Scottish Government (SG) Guidance on EU fees for AY 2021-22 to college representatives. SG developed this guidance to inform institutions how students' residency status is changing after Brexit; however, this is a working document and it continues to be updated as new developments take place to resolve outstanding issues. SFC will circulate the subsequent updates to this guidance and the more comprehensive update of the FE Residency Guide for AY 2021-22 as these documents become available.

11. If the student does not meet the 'Long Residence' requirement, the criteria referred to in paragraph 10iv 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 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)
 - iv 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.
12. 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 Conventions on the Right of the Child](#).

Other conditions

13. The burden of proof is on the student to satisfy the college with evidence of the eligibility of their 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 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 2021-22 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 full-time and part-time courses/programmes (see Credit Guidance AY 2021-22, due to be available in summer 2021, for more information).
14. 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.
15. There is no upper or lower age limit on a student's eligibility for a fee waiver.
16. The college will be able to apply a fee waiver in respect of students who satisfy the eligibility rules for the course (as defined in the [Credit Guidance](#)) and where the college is claiming credits for their activity in the current academic year.

17. 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, although it may be eligible for credits (to determine if additional part-time activity is eligible, please refer to the [Credit Guidance](#)).
18. 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 2020-21) for students taking FE courses.
 - The FE fee (£1,008 in 2020-21) for students taking a mix of FE and part-time HE courses.
 - The HE fee (£1,285 in 2020-21) for students taking part-time HE courses - fee waivers should not be claimed for full-time HE courses, as these are funded through [Student Awards Agency Scotland \(SAAS\)](#).

Full-time advanced (HE) 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 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 SFC's student activity guidance.

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 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 a fee waiver cannot be applied for any students being supported through this scheme. More information is available on the [Enhanced Learning Credits Administration Service website](#).

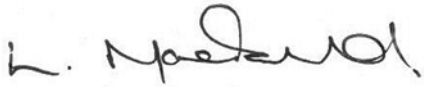
Forces personnel and veterans

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.

Further information

23. Please contact SFC's Student Support team, email: studentsupport@sfc.ac.uk.

A handwritten signature in black ink, appearing to read 'L. MacDonald', written in a cursive style.

Lorna MacDonald
Director of Finance

Annex A Eligibility for fee waiver

Note: This chart does not replace the policy and is to be used as a tool only. When claiming fee waiver from SFC, colleges must meet all the requirements in the policy in their entirety.

