

National Policy for Further Education Bursaries AY 2022-23

Advisors' Notes

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Introduction

1. The Advisors' Notes are set out for users of the National Policy for Further Education (FE) 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 carer responsibilities. 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 Education Maintenance Allowance (EMA). **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: Universal Credit standard allowance, income support, jobseeker's allowance, employment and maternity allowance, support allowance, statutory maternity pay, statutory paternity pay and statutory sick pay.

Assessable parent

4. This is a 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 assess 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 parents, the college should assess 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

7. The FE Care-Experienced Bursary is available to Care-Experienced students who were subject to formal care interventions and were 'looked after' or are 'care leavers'. For 2022-23, the bursary has also been extended to students who were looked after in informal care arrangements with social work or local authority involvement.
8. More information on the different care experience eligibility categories for the FE Care-Experienced Bursary can be accessed in our [Additional information on Care-Experienced Bursary eligibility](#). This document also covers the legislative context. Some further information on care experience can be found on the following website:
- [Centre for Excellence for Children's Care and Protection.](#)

Carer

9. 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 ‘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”.

10. The organisation VOCAL is an organisation that operates in Edinburgh and Midlothian that provides [useful information for carers](#).

Child/Children

11. For a person to be defined as a child for student support purposes 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.

12. 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 41 for the definition of a self-supporting student).

13. 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 Fund

14. This is an element of student support funds that are 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

15. The student or partner is in a civil partnership if they are in a relationship formed by two people and they have registered their relationship by going through a registration procedure similar to that for civil marriage.

Course start date

16. This is the date the course starts, rather than the date the student starts the course.

Current income support levels

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

Disability Living Allowance (DLA) mobility

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

Earned income

19. 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' (HMRC) calculation of tax due (e.g. form SA302).
 - It also includes any monies paid as compensation for loss of income.

Education Maintenance Allowance (EMA)

20. 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.
21. This programme affects eligible 15 to 19 year olds who have passed their statutory school leaving date. For more information on funding students aged under 18, see paragraphs 42 to 45 of the [Award Assessment](#) Document.

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

Family

23. 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 'Child' section 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 '**Child**' section above.

Financial tax year

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

Foster Care - allowances

25. All approved foster carers in Scotland receive a weekly fostering allowance which is designed to cover the cost of caring for a fostered child. This includes spending on food, clothes, toiletries, travel and all other expenses incurred. The Scottish Government does not currently publish a national minimum allowance for foster carers, although it has committed to making recommendations soon¹.

¹ <https://www.gov.scot/publications/keeping-promise-implementation-plan/pages/1/>

Fee payments may be made on top of allowances to recognise a foster carer's time, skills and experience.

26. Details of how the elements allowances are used in the student award assessment are covered in Table 1 and Table 2 of the [Award Assessment](#) section of the Student Support Guidance.

Full-time course: Department for Work and Pension definition

27. The definition of full-time and part-time study used by the Department for Work and Pensions (DWP) can be found at: [Guidance on claiming Universal Credit if you're a student](#). Categorisation of a student as full-time should align with the DWP definition for bursary purposes.

Full-time course: SFC definition for measuring activity

28. SFC FES 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 [FES Guidance for 2022-23](#) for more information on the definition of a full-time course for SFC funding purposes.

Married/Civil Partnership/established relationship

29. 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.
30. 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

31. This is a course of fundable further education as defined in the [Further and Higher Education \(Scotland\) Act 2005](#) (section 5).

Open learning

32. 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 159 to 162 of the [Award Assessment](#) section). In considering engagement for these students, colleges should have regard to evidence of continuing participation and progression on an agreed programme.

Parent/parental

33. 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

34. This is the home of the assessable parent.

Parentally supported students

35. 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 1985](#) and subsequent amendments) unless they are classified as self-supporting (see paragraphs 41 to 44 for the definition of a self-supporting student).

Partner

36. 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

37. For bursary purposes, a part-time student is a student who attends a course which requires a part-time weekly commitment. This is based on the DWP definition which 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**). It should be noted that SFC’s [Credit Guidance](#) separately defines full-time and part-time provision to measure activity counted in the calculation of SFC core funding, but for bursary purposes, the DWP definition should be used.

38. Colleges may offer part-time students travel and study costs, additional support needs for learning allowance, and/or 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

39. 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 a residence other than the parental home.

Qualification

40. An award that is recognised or examined by an external awarding body, such as the [Scottish Qualifications Authority \(SQA\)](#) or [City and Guilds](#).

Self-supporting students

41. 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 their course:
- They are married or in a civil partnership (see paragraphs 23). 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 (SDS).
 - 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.
42. 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.
43. 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 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](#) (colleges should align with the information relating to SAAS on this page).
44. 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 insufficient evidence to prove this, then the college should consider that student under one of the other categories of support.

Statutory school leaving date

45. 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

46. A student who is beyond their statutory school leaving date but under the age of 18 on the start date of their course will normally receive EMA funding. See the section on EMAs for more information about maintenance funding for students under the age of 18.
47. Students under 18 may be considered for an away from parental home maintenance element payable from bursaries, subject to meeting the other eligibility criteria. This allowance is offered in addition to any EMA allowance. For further details refer to the Award Assessment Guidance paragraphs 43 to 45.
48. Colleges may also consider students under 18 for study, travel and 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 dependant.

Unearned income

49. (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 state pension, pension credit 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

50. This benefit has been gradually rolled-out across Scotland to replace six other benefits (Working Tax Credit, Child Tax Credit, Employment and Support Allowance, Job Seekers Allowance, Income Support and Housing Benefit), although some people will remain on these 'legacy benefits'. 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 56 to 60 of the [Award Assessment](#) section for further details.)

Universal Credit maintenance award students

51. A student who is in receipt of Universal Credit (UC) should be assessed for student support in the usual way, and a comparison made as to whether they would be better off with a full bursary award as assessed, or with the £28 per week UC allowance rate. (See paragraphs 56 to 60 of the [Award Assessment](#) section for further details.)

Veteran

52. 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.

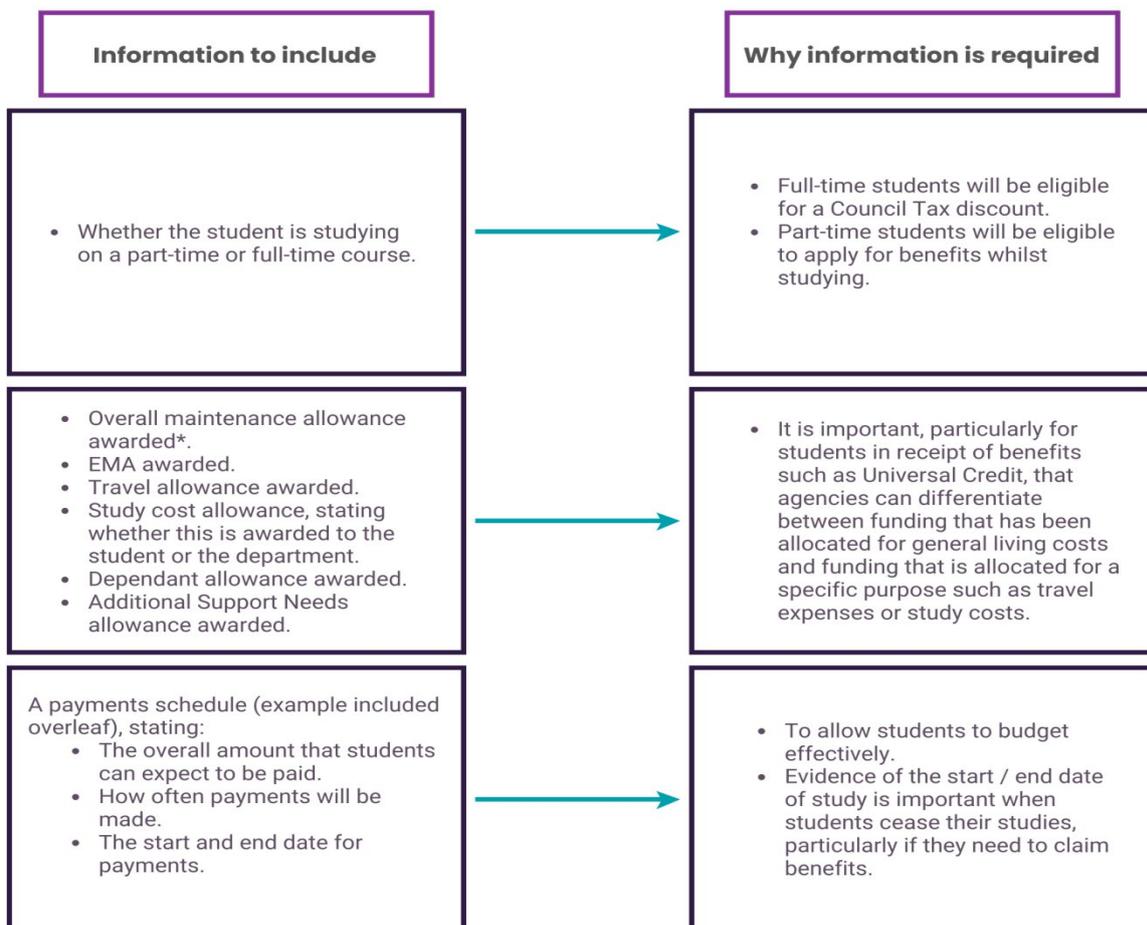
Annex A

Bursary award letters

53. 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 UC 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.

54. Bursary award letters should contain the following information:



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

55. 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 college’s engagement and good conduct policies.
- Details of how engagement will be monitored and how failure to comply with the policy may 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 the procedure for withdrawing from their 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.

56. 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
22/08/2022	26/08/2022	£113.00	27/08/2022
29/08/2022	02/09/2022	£113.00	09/09/2022
05/09/2022	09/09/2022	£113.00	09/09/2022
12/09/2022	16/09/2022	£113.00	23/09/2022
19/09/2022	23/09/2022	£113.00	23/09/2022
Total payments		£565.00	

