



Scottish Funding Council  
Comhairle Maoinachaidh na h-Alba

## Fee Waiver Policy AY 2022-23

**SFC Guidance**

Issue Date: 15 June 2022

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Summary: Description of the categories of students for which a college may use an SFC fee waiver in Academic Year (AY) 2022-23.

FAO: Principals and Finance Directors of Scotland's colleges

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## **Fee Waiver Policy AY 2022-23**

### **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) 2022-23. Eligibility is summarised in the diagram at Annex A. The core teaching allocations set out in the [College Funding allocations for AY 2022-23](#) 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 2022-23**

3. From AY 2022-23, colleges will be able to allocate a fee waiver to students on all short full-time courses. 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 which 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.
  - 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. A 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 is equivalent to or lower than the threshold below<sup>1</sup>:
- 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 or in informal kinship care with Local Authority involvement.

### **Students on short full-time courses**

7. 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. The [Review report](#) was published in June 2021 and recognises a greater requirement for shorter sharper courses; to keep pace with technological change, support career transitions, and in response to redundancy or sector-

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<sup>1</sup> 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.

specific developments.

8. Under SFC's current student support guidance, colleges can provide bursary and other student support for short full-time courses. Additional flexibilities have also been introduced to SFC's [Credit Guidance](#) on claiming credits for short re-skilling and upskilling programmes.
9. In AY 2021-22 we increased access to fee waivers for students on short full-time courses, where students had been assessed as eligible for student support. For AY 2022-23 we are widening the scope of this policy to allow students on all short full-time courses to access fee waivers, where they meet the other eligibility criteria described in this policy and the [Credit Guidance](#). In the FES return, colleges should record students on short full-time courses using the 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 2022. The [current residency guidance](#) is on the SFC website. However, it should be noted that this guidance is likely to be updated before the start of AY 2022-23, as summarised in paragraph 12 below. **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 part-time or 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 11).

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. In October 2021 and April 2022, SFC circulated updates to the FE Residency Guidance for AY 2021-22, covering changes arising from Brexit and the Ukrainian conflict. The Scottish Government wrote to college Principals on 8 March 2022 to outline further planned changes to legislation that will take effect from AY 2022-23. The fully updated version for AY 2022-23 will be published later in the summer.
13. 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**

14. 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 2022-23 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 2022-23](#) for more information).
15. 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.



16. There is no upper or lower age limit on a student's eligibility for a fee waiver.
17. 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](#)), where the college is claiming credits for their activity in the current AY.
18. 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](#)).
19. 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 2022-23) for students taking FE courses.
  - The FE fee (£1,008 in 2022-23) for students taking a mix of FE and part-time HE courses.
  - The HE fee (£1,285 in 2022-23) 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**

20. 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**

21. Colleges should record students eligible for fee waivers on programmes which span AYs, in the AY in which the course ends. This is consistent with how activity is claimed under SFC's Credit Guidance.

#### **Veterans scheme**

22. The Ministry of Defence (MOD) programme to assist service veterans gain access to education is continuing. The MOD will meet the tuition 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**

23. Under the temporary non-resident arrangements, serving forces personnel 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 are also considered eligible in the country in which the serving forces personnel was ordinarily resident.

## **Further information**

24. Please contact SFC's Student Support team, email: [studentsupport@sfc.ac.uk](mailto:studentsupport@sfc.ac.uk).

A handwritten signature in black ink, appearing to read 'Richard Maconachie', is enclosed within a thin black rectangular border.

**Richard Maconachie**  
Director of Finance