

Change of Circumstances (Inc. Overpayments)

Higher Education Student Finance in Wales

Academic Year 19/20 – Version 3.0

Summary

This section provides details of the rules governing financial entitlement assessments for the core financial support package for students where a change of circumstance has taken place, namely a transfer, withdrawal or suspension.

Disclaimer

This guidance is designed to assist with the interpretation of the Student Support Regulations as they stand at the time of publication. It does not cover every aspect of student support, nor does it constitute legal advice or a definitive statement of the law. Whilst every endeavour has been made to ensure the information contained is correct at the time of publication, no liability is accepted with regards to the contents and the Regulations remain the legal basis of the student support arrangements for the academic year (AY) 19/20. In the event of anomalies between this guidance and the Regulations, the Regulations prevail. Please note that the Regulations are subject to amendment.

Please note that this guidance is for Student Finance Wales (SFW) students only.

Regulation References

From AY 18/19 there have been two sets of Regulations governing student support in Wales. As these Regulations often have mirroring provisions, the regulation references throughout this guidance chapter are followed by either (2017) or (2018) to denote which set of Student Support Regulations is being referred to.

(2017) denotes the “The Education (Student Support) (Wales) Regulations 2017 (SI 2017/47)” as amended

(2018) denotes the “The Education (Student Support) (Wales) Regulations 2018 (SI 2018/191)” as amended.

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Abbreviations

Abbreviation	Full
ADG	Adult's Dependant Grant
AY	Academic Year
CCG	Childcare Grant
DSA	Disabled Students' Allowances
ESA	Income-based Employment and Support Allowance
FG	Fee Grant
FT	Full-time
FTE	Full-Time Equivalent
HE	Higher Education
HEP	Higher Education Provider
JSA	Jobseeker's Allowance
LLC	Loan for Living Costs
MG	Maintenance Grant
ML	Maintenance Loan
PG	Postgraduate
PLA	Parents' Learning Allowance
PT	Part-time
SFW	Student Finance Wales
SLC	Student Loans Company
SSG	Special Support Grant
TG	Travel Grant
TFL	Tuition Fee Loan
UG	Undergraduate
UC	Universal Credit
WG	Welsh Government
WGLG	Welsh Government Learning Grant

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1. Introduction

This chapter provides policy guidance to Student Finance Wales (SFW) on how to deal with changes in the circumstances of a student that may have an impact on their entitlement to support, and on the recovery of overpayments of grants and loans from students who have received support under The Education (Student Support) (Wales) Regulations 2017 or The Education (Student Support) (Wales) Regulations 2018.

This chapter deals with the following subjects:

- students who have withdrawn from their course
- students who have suspended their study
- resuming payment of support and
- recovery of overpayments of loans and grants

Following the Diamond Review of Welsh HE student funding the WG introduced a new package of support for students commencing study in AY 18/19. The policy rules governing withdrawals, suspensions, resumption, transfers and overpayments are similar across these cohorts, however differences will be noted within the sections below. Further examples for pre-2018 cohort students can be found in the AY 17/18 Change of Circumstances guidance chapter.

The following policy guidance can be found in the Assessing Eligibility AY 19/20 guidance:

- Previous study, including termination of eligibility and SFW discretion
- Transfers between courses

2. Withdrawals

There are separate provisions in The Education (Student Support) (Wales) Regulations 2017 and The Education (Student Support) (Wales) Regulations 2018 that govern payment of fee support and living cost support where a student has withdrawn from the course. These are summarised below.

Fees – Full-time (FT) pre-2018 cohort students

The following paragraphs apply to all FT new system students*, and also to students commencing FT distance learning courses on or after 1 September 2012. Additionally, there is a statutory requirement on HE Providers (HEPs) to notify the Welsh Government (WG) (in practice, SFW) of all cases of withdrawals, suspensions and transfers at the first opportunity.

(* 'New system students' means those who commenced a higher education (HE) course in AY 2006/07, AY 2007/08, AY 2008/09, AY 2009/10, AY 2010/11, AY 2011/12, AY 2012/13, AY

2013/14, AY 2014/15, AY 2015/16, AY 2016/17 or AY 2017/18. In this chapter we will refer to them as Pre 2018 cohort students).

Tuition support is normally paid to HEPs in three instalments. The first payment is made early in the AY with subsequent payments made shortly after the start of each term. The students' liability for the fee extends at each liability date - becoming liable for the full amount if in attendance at the third and last liability date. This means that HEPs will have to confirm attendance to the Student Loans Company (SLC) at each of the three liability dates to receive payment of each instalment. This will affect withdrawals, suspensions and transfers for all 'new system' students.

The tuition payment is split into instalments of 25%, 25% and 50% of the total tuition charge for the AY.

No payments of tuition fee loan (TFL) or fee grant (FG) will be made unless the HEP confirms that the student is in attendance. If the student withdraws before the course starts or never actually enrolls, they are not entitled to a tuition fee loan or a fee grant. Only 25% of the TFL and/or FG is payable if the student withdraws during the 1st term, 50% if they withdraw during the 2nd term and the full 100% if they withdraw during the 3rd term.

Where a student withdraws from their course, the WG expects HEPs to charge students a fee amount which is no greater than the amount the student is liable to repay up to the date of withdrawal from the course. The HEP also has discretion to reduce the student's liability if it decides this is appropriate (compelling personal reasons).

Pre-2018 cohort students who commence their course on or after 1 September 2012 are entitled to apply for a TFL of up to £4,335 and a FG of up to £4,665 (studying at a Welsh HEP) or a TFL up to £4,585 and FG up to £4,665 (studying at a HEP elsewhere in the UK) in AY 2019/20. Pre-2018 cohort students studying at a private provider can apply for a TFL up to £6,165. Where a student withdraws during the AY and the HEP reduces the fee charged to less than the amount already paid, SLC will claw back the difference, split proportionally between TFL and FG. For example:

Student A commences a designated FT course at a publicly-funded Welsh HEP, for which the tuition fee is £8,000. Student A requests the maximum TFL of £4,335 and is awarded a FG of £3,665.

Student A's attendance for the first term is confirmed and the first instalment of £2,000 (25% of £8,000) is paid as follows:

- TFL 1st instalment: £1,083.75 (25% of £4,335)
- FG 1st instalment: £916.25 (25% of £3,665)

Student A withdraws from the course before the start of the second term. The HEP reduces Student A's fee liability to £500. SLC will claw back £1,500 of the fee that has been paid.

The claw back amount will be split in the proportions that the last term's payment was made in. 48.75% TFL ((975 / 2000) x 100) and 51.25% FG ((1025 / 2000) x 100).

- Claw back of TFL from HEP = $(48.75/100) \times £1,500 = £731.25$
- Claw back of FG = $(51.25/100) \times £1,500 = £768.75$

£731.25 is clawed back from the TFL that has been paid for this AY, and £768.75 is clawed back from the FG.

The student's new liability or outstanding TFL is now £500.

Fees – Full-time (FT) 2018 cohort students

From AY 18/19, students starting an eligible higher education course are not eligible to apply for tuition fee grant. Instead they are eligible to apply for TFL to cover the full tuition fee amount charged, where the fee is capped.

As with new system students, tuition support is to be paid to HEPs in 3 instalments. The first payment is made early in the AY with subsequent payments made shortly after the start of each term. The student's liability for the fee extends at each liability date - becoming liable for the full amount if in attendance at the third and last liability date. HEPs will therefore have to confirm attendance to SLC at each of the 3 liability dates to receive payment of each instalment.

The tuition payment is split into instalments of 25%, 25% and 50% of the total tuition charge for the AY.

Student B commences a designated FT course at a publicly funded Welsh HEP in September 2018, for which the tuition fee is £9,000. Student A requests the maximum TFL of £9,000.

Student A's attendance for the first term is confirmed and the first instalment of £2,250 (25% of £9,000) is paid as follows:

- TFL 1st instalment: £2,250 (25% of £9,000)

Student A withdraws from the course before the start of the second term. The HEP reduces Student A's fee liability to £1,000. SLC will claw back £1,250 of the fee that has been paid.

The student's new liability or outstanding TFL is now £1,000.

Fees – Part-time (PT)

Students who start a course on or after 1 September 2014 must be in attendance for two weeks in every AY of the course before the HEP confirms attendance. Students are not liable for any TFL until attendance has been confirmed.

PT TFL will be paid to the HEP in three instalments, the first following confirmation from the HEP that the student has attended / undertaken the course for two weeks, and the second and third following receipt of confirmation of attendance in respect of the second and third terms. (Note that three attendance confirmations per AY, rather than one attendance

confirmation per AY, are required for PT courses from AY 18/19.) The three liability points are set as follows:

- The date two weeks after the first day of the first term of the AY
- The first day of the second term of the AY
- The first day of the third term of the AY

No further payments of PTTFL should be released after confirmation of withdrawal is received. If a PTTFL payment is released for a term in which the student did not attend, the payment will be clawed back from the HEP. (Note that this should not happen given that a confirmation of attendance is required for each term of the course).

The three instalments of PT TFL per AY will be paid in proportions of 25% / 25% / 50%.

Please note: PT course grant (continuing part-time students who started before 1 September 2018) and PT fee grant (continuing PT students who started before 1 September 2014) are paid in single instalments for the AY.

Entitlement to PT grants following a change of circumstances is assessed as detailed in the 'Part-Time Students Support Wales AY 18/19' guidance.

Grants and loans for living costs (general)

Please see the 'Assessing Financial Entitlement Wales AY 19/20' guidance for details on the grants and loans for living costs available.

A 'payment period' is defined as a period in respect of which support is payable, or would have been payable if the student's period of eligibility had not terminated (regulations 63(b) (2017) and 95(9) (2018)).

Where students withdraw part-way through a payment period, the Regulations give SFW discretion to determine whether a payment of grant for living costs should be made in respect of the whole of that payment period or only for the portion of that period during which the student was undertaking the course (regulations 58(13) and (14) (2017) and 95(4) (2018)).

No grants for living and other costs are payable in respect of a payment period beginning after an eligible student's period of eligibility terminates (regulations 58(10) (2017) and 95(7) (2018)). This covers cases where the student has withdrawn from, abandoned, or been expelled from their course cases where students' eligibility has been terminated because they have shown by their conduct that they are unfit to receive support and cases where students' eligibility has been terminated because they have failed to provide requested information or who have knowingly provided materially inaccurate information. SFW does not have discretion to determine otherwise in these circumstances. SFW's discretion is limited to the payment period during which the student withdraws from the course.

SFW must not pay the first instalment of a loan for living costs (or in cases where the support is not being paid in instalments, any payment of a loan) to an eligible student before the HEP has sent an attendance confirmation, unless an exception applies (regulations 61(4) (2017) and 87(1) (2018)). An exception applies if SFW determines that, owing to exceptional circumstances, it would be appropriate to make a payment without receiving an attendance confirmation (regulations 61(5) (2017) and 87 (2018)).

No loans for living costs are payable in respect of any payment period beginning after an eligible student's period of eligibility terminates (regulations 61(3) (2017) and 95(1) (2018)).

Where a FT student has been in prison (whether on remand or sentenced) for part of the AY, maintenance support (loan and grant) is available on a pro-rated daily basis for the time where the student was not in prison. No support should be paid in respect of time spent in prison, unless SFW consider it appropriate in all the circumstances (regulations 58(7) and 61(9) (2017) and 93 (2018)). SFW has the discretion to pay full or partial support, or none at all whilst a student is in prison during an AY. SFW should use their discretion where the stopping or recovery of payments will cause financial hardship to the student and prevent them from continuing with their course. In order to determine if a student should receive grants and loans for living costs for periods spent in prison, SFW must have regard to the financial hardship not paying the support would cause and whether not paying the support would affect the student's ability to continue the course. They should therefore consider factors such as the student's ability to pay rent and other living expenses to enable them to continue with their course.

Please note: No maintenance or supplementary support is available for eligible prisoner students commencing a course on or after 1 September 2012. The only support available to these students is in respect of fees. Please see the 'Assessing Eligibility' guidance document for full details on eligibility for this category of student.

Grants for living costs

Adult Dependants' Grant (ADG) and Parents' Learning Allowance (PLA) are payable in respect of 365 days of the AY.

Welsh Government Learning Grant (WGLG) and Special Support Grant (SSG) are payable in respect of 365 days of the AY where the student started the course prior to 1 August 2018. Where a student withdraws from their course part-way through a payment period, a reassessment of these grants should normally be based on the number of days that the student was undertaking, or can be treated as undertaking, the course from the first day of the AY to the date of withdrawal.

Welsh Government Learning Grant (WGLG) and Special Support Grant (SSG) are payable in respect of terms attended and of days of attendance within each term where the student started the course before 1 August 2018, as these grants are paid in tandem with Maintenance Loan as part of the 2018 living costs support package. More details of this are provided in the following section.

SFW has discretion, taking into account the student's circumstances, to extend the student's eligibility in respect of grants for living and other costs to the end of the payment period in which the student leaves the course (regulations 58(13) and (14) (2017) and 95 (2018)). All payments should cease from the date of withdrawal from the course or imprisonment (see above). Any overpayments should be recovered from students for any time that they spend in prison.

Example:

Student A starts a HE course in AY 18/19 the AY start date is 1 September.
The student's PLA entitlement for a full year, after income assessment, is £900.
Student A leaves their course on 27 October.

SFW determines that PLA should not be paid beyond the date of withdrawal. Therefore the number of days for reassessment purposes is 57 (1 September – 27 October).
Revised entitlement is as follows:

$$(57/365) \times £900 = £141$$

Disabled Students' Allowances (DSAs), Childcare Grant (CCG) and Travel Grant (TG) are based on a student's actual requirements and incurred costs. Where the student withdraws part-way through a payment period SFW has the discretion to extend the student's eligibility in respect of grants for living and other costs to the end of the payment period (regulations 58(13) and (14) (2017) and 95 (2018)). However, the very nature of the DSAs, CCG and TG are that they are based on a student's actual requirements in respect of expenditure incurred whilst undertaking the course. Therefore, the fact that support may be extended to the end of the payment period in which the student withdraws from the course does not necessarily mean that these three grants should continue to be paid.

Please note: No DSAs (including DSAs for postgraduate (PG) courses) are available to any prisoner (including an eligible prisoner) who starts a course on or after 1 September 2012. The responsibility to provide support for disabled prisoners lies with the Prison Service.

Loans for living costs – Pre-2018 cohort students

Where a student withdraws at the end of a term, it will not be necessary for SFW to reassess the amount of loan payable if the loan amount was properly calculated. The system will calculate the student's revised entitlement on the basis of 33% of the assessed loan where the student leaves the course at the end of first term, 66% at the end second term and 100% if the student completed the full year. The loan will be recovered in the normal way through the income contingent repayment procedure. This applies to all students including those who cease to attend that course on commencement of a custodial sentence - all payments should cease from the date of withdrawal.

Loans for living costs should not be paid beyond the date of withdrawal. Where the withdrawal happens midway through a term, the system will reassess the loan entitlement.

The revised loan entitlement is calculated using the method outlined in the worked example below.

Student B commences their second year of an HE course with an AY that started on 1 September 2017. There are 75 days in the first term. The student is eligible for the full 'elsewhere' rate of loan (£7,344).

Having received the instalment of loan payable in respect of the first payment period, Student B leaves the course on 3rd October (having attended for 33 days) and does not return.

Student B is only eligible for support for the number of days that the student was undertaking the course.

The student's revised entitlement is as follows:

Maximum loan:	£7,344 (full 'elsewhere' rate)
Number of days attended in term:	33
Number of days in term:	75
Number of terms in AY:	3

$$£7,344 \div 3 = £2,448$$

$$(33/75) \times £2,448 = £1,077.12$$

Loans for living costs and Welsh Government Learning Grant - 2018 cohort students

As with the pre-2018 cohort loan for living costs, where a student withdraws at the end of term there is no requirement for their finance to be reassessed. The students entitlement will be calculated at 33%, 66% or 100% accordingly.

All payments should cease from the withdrawal date and support will be reassessed to this date.

The revised entitlement of loan and WGLG should be calculated using the method outlined in the following worked example.

Student C commences the first year of an HE course with an AY that started on 1 September 2019. There are 80 days in the first term. The student is eligible for the full 'home' rate of loan and WGLG (£9,225). As their household income is below the lower income threshold of £18,370, this is split into £1,125 of loan and £8,100 of WGLG.

Having received the instalment of support payable in respect of the first payment period, Student C leaves the course on 7 November 2019 (having attended for 45 days) and does not return.

Student C is only eligible for support for the number of days that they were undertaking the course.

The student's revised entitlement is as follows:

Maximum loan:	£1,125
Number of days attended in term:	45
Number of days in term:	80
Number of terms in AY:	3

$$£1,125 \div 3 = £375$$

$$(45/80) \times £375 = £210.94$$

Maximum WGLG:	£8,100
Number of days attended in term:	45
Number of days in term:	80
Number of terms in AY:	3

$$£8,100 \div 3 = £2,700$$

$$(45/80) \times £2,700 = £1,518.75$$

Reassessment of a student's loan entitlement resulting in an underpayment

When a student withdraws from a course it is possible that they are entitled to a higher amount of loan or loan and WGLG than they have so far claimed (because their original assessment, which was provisional, has now been finalised). Where an eligible student has applied for support of less than the maximum amount to which they are entitled in relation to the AY, the student may apply to borrow an additional amount which, when added to the amount that the student has already applied for, does not exceed the relevant maximum amount of support available (regulations 53(3) (2017) and 60 (2018)).

2018 cohort example:

Student D begins a course in October 2019, having been assessed as entitled to £9,225 for the year (the maximum 'elsewhere rate' available for loan and WGLG), payable in three instalments of 33%, 33% and 34%. Their household income for the initial assessment is £25,000 and their support is split into WGLG of £6,947 and loan of £2,278 as a result.

The student receives initial instalments of £2,292.51 of WGLG and £751.74 of loan.

Student D then withdraws from the course at the end of term one. Following a reassessment based on a household income of £30,000 the student receives a revised support notification from SFW, showing the student's entitlement for the period up to withdrawal as £3,075. This is now split into £2,026 of WGLG and £1,049 of loan.

As Student D only received £751.74 of loan in October, the student may apply for the remaining £297.26 of loan provided that the student does so not later than one month before the end of the AY, or one month after the date on which the student receives the revised support notification, whichever is later.

As the student received £2,292.51 of WGLG for a period they were only entitled to £2,026, they will have an overpayment of WGLG totalling £266.51.

Pre-2018 cohort example:

Student E begins the third year of their course in September 2019, having been assessed as entitled to £5,508 for the year (the 75% non-income assessed element of the £7,344 'elsewhere rate'), payable in three instalments of 33%, 33% and 34% (£1,817.64, £1,817.64 and £1,872.72).

Student E then withdraws from the course in December of the same AY. The student receives a revised support notification from SFW, showing the student's entitlement for the period up to withdrawal as £2,000.

As Student E only received £1,817.64 in October, the student may apply for the remaining £182.36, provided that the student does so not later than one month before the end of the academic year, or one month after the date on which the student receives the revised support notification, whichever is later.

Extra weeks' loan

Where students have attended their course in an AY for longer than 30 weeks and 3 days, they may be eligible for extra weeks loan. The amount of extra weeks loan is added to the main student loan and paid in three instalments of 33%, 33% and 34%. Students are only eligible for the extra weeks loan when they have attended for at least 30 weeks and 3 days.

If they have not attended for more than 30 weeks and 3 days, a reassessment should be processed showing the amount of main student loan reassessed less any extra weeks loan.

2018 cohort example:

Student F's course has an AY of 33 weeks in AY 19/20.

Original assessment:

- Student entitlement: £9,225 ('elsewhere' rate) of which £1,125 is loan.
- Extra weeks' loan: £381 (3 extra weeks @ £127 per week)
- Total loan for year: £1,506

Student F withdraws during the first quarter, therefore:

- Loan received in first quarter: £496.98 (33% of £1,506)
- Loan due on reassessment: £371.25 (33% of £1,125*)
(*loan entitlement with extra weeks removed).

3. Suspensions

Circumstances when a student may suspend their studies

Some FT students may have to interrupt their studies for a variety of reasons. These may include illness, pregnancy, caring responsibilities, financial difficulties, bereavement or premature termination of a work placement. In some of these cases, when the student is ready to resume their studies, their HEP may not allow them to do so immediately. The HEP may often require the student to wait until the beginning of the next AY, or require the student to resume their studies at some later point in the next AY (at a point comparable to when the student had left the course in the previous AY).

Suspensions - Fees

The following applies to:

- all FT students (including those who start a FT distance learning course on or after 1 September 2012)
- PT students who start a course on or after 1 September 2014.

If a student suspends their studies, the HEP must notify SLC as soon as reasonably possible before the next liability date. The following rules apply to TFL and FT FG payments where a student has suspended study.

A student who suspends their studies during one term and resumes their studies either before the start of the next term or during the next term will be liable for the TFL/FG instalment for both terms.

Pre-2018 cohort example:

Student H started a course on 1 September 2017 at an HEP charging tuition fees of £9,000. Student H's attendance for the first term of the third year of the course (AY 19/20) is confirmed and the first instalment of £2,250 (25% of £9,000) is paid as follows:

- TFL first instalment: £1,083.75 (25% of £4,335)
- FG first instalment: £1,166.25 (25% of £4,665)

The student suspends their studies on 1 November. The student resumes their studies after the second liability point but before the third liability point. The 2nd instalment of 25% is paid to the HEP in the same way. The third payment of 50% will be paid in the same way if the student remains in attendance at the third liability point.

A student who suspends their studies during the first term, remains suspended during the whole of the 2nd term and resumes their studies during the third term (on or after the third liability date) will be liable for the first and third tuition payment instalments but not the second tuition payment instalment.

2018 cohort example:

Student I starts a course on 1 September 2019 the fee charged in AY 19/20 is £9,250. Following confirmation of attendance. the first tuition payment of £2,312.50 (25% of £9,250) is made to the HEP as follows:

- TFL first instalment: £2,312.50 (25% of £9,250)

The student suspends their studies on 1 November. The student resumes their studies after the third liability point. The second 25% tuition instalment will not be paid to the HEP. However, the third 50% tuition instalment is paid to the HEP in the following way.

- TFL third instalment: £4,625 (50% of £9,250)

Where a student suspends their studies before a liability point and informs the HEP, but the HEP does not notify SLC of this suspension until after the liability point (giving the effective date of suspension as occurring before the liability point) the payment made should be clawed back from the HEP on receipt of the suspension notification. Please see the example student 'A' under heading 'Fees – Full-time (FT) pre-2018 cohort students' above on how TFL / FG is apportioned during claw back.

Reassessments for students who are absent from their course – Maintenance Products

Regulations 58(16) and 61(12) (2017) and 94 (2018) relate to a relevant payment period during any part of which a student is absent from the course: no grants for living and other costs shall be payable during that period, unless SFW determines that, taking into account the circumstances of the individual case, part all, of the grants otherwise due in respect of that period may be paid. Regulations 61 (12), (2017) and 85 (2018) make similar provision for loans for living costs.

The Regulations allow for an automatic disregard of 60 days of absence where the student is ill both in the case of grants for living and other costs (regulations 58(18) (2017) and 94 (2018)), and loans for living costs and (regulations 61(14) 2017 and 94 (2018)). Such students are eligible for full support during this period. HEPs may also make payments from other funds during this period.

SFW have the discretion to determine that all or part of the grant or loan support due is payable where the student is absent from the course for reasons other than illness, or where the illness exceeds 60 days (regulations 58(16) and 61(12) (2017) and 94 (2018)). Regulations 58(17) and 61(13) (2017) and 94 (2018) provide that in deciding whether it would be appropriate to pay all or part of the grant or loan support, consideration should be given to:

- the reasons for the student's absence
- the length of the absence and
- the financial hardship caused by not paying all or part of the support

If the student is in prison, no further support should be paid for that period. SFW will have the discretion to determine whether to pay full or partial support, or none at all whilst a student is in prison in an AY. They need to consider what is appropriate having taken all the circumstances into account. SFW should use their discretion where stopping or recovering payments will cause financial hardship to students and prevent them from continuing with their course. In order to determine if a student should receive grants and loans for living costs for periods spent in prison during the AY, SFW needs to consider factors such as a student's ability to pay rent and other living expenses to enable them to continue with their course. It is expected that exercising the discretion would be appropriate when a student spends a very short time in prison.

In these circumstances, HEPs also have discretion to make payments from their own discretionary welfare funds, provided that SFW has determined that the student has not abandoned, withdrawn from or been expelled from the course.

Extending student support to students who suspend their studies

The lack of financial support has often led to financial hardship and to some students withdrawing from their courses. Clearly, it is not in the public interest for students to withdraw from their courses in these circumstances, given that any expenditure on their tuition fee and living costs support would therefore have effectively been wasted. It is important that SFW use the discretionary powers available to them to avoid students having to drop out due to financial pressures.

SFW should be aware that their discretionary power to determine that part or all of the student support is payable can be exercised in circumstances other than illness. The list of circumstances is not exhaustive. SFW should be particularly sympathetic towards those students who have dependants.

In deciding on the exercise of their discretion, SFW should consider each case on its own merits. SFW must consider the reasons for the absence, the length of the absence and the financial hardship not paying the support would cause. They should also consider any other relevant circumstances such as the prospect of the student returning to the course. SFW should also take account of how the HEP treats the student's absence, particularly if the HEP has given the student permission to be absent, and on what terms.

Students without financial support

Although Jobseeker's Allowance (JSA) / Universal Credit (UC) may be available to students who are waiting to resume their studies following a period of suspension due to illness or caring duties, there are other students who do not qualify for JSA/UC and may be left without any source of financial support. These may include:

- students waiting to rejoin their course after the expiry of one year since suspension
- sick students waiting 28 weeks to receive Income Support and

- students deemed unavailable for work and not entitled to JSA/UC because they are doing significant amounts of study in preparation for their return to the course

Benefit provision for students who have suspended their studies

FT students who have suspended their studies due to illness or caring responsibilities and who are required to wait until their HEP allows them to rejoin their course may claim JSA and Housing/Council Tax Benefit or Universal Credit from when they recover from illness or the caring duties end, until the day before they rejoin their course, but not exceeding one year.

JSA is not payable to students who are entitled to a student loan. However, JSA can be paid subject to the student satisfying the normal criteria for receipt of that benefit. JSA is payable up until the day before the student rejoins their course but not exceeding one year.

Students who have suspended their studies may not be eligible for payments from their HEP's hardship (or equivalent) fund while in receipt of JSA. Students should contact their HEP for information and advice.

Students who remain ill

Those students who remain ill for more than a continuous period of 28 weeks become eligible at that stage to receive Income Support and Housing Benefit or Universal Credit, provided that they have submitted satisfactory evidence to Jobcentre Plus and their local authority.

Procedures for suspending study

Although SFW has the discretion to determine continuation of student support, HEPs and students themselves have an important role in this process. It is essential that there is prompt interaction between the student and the HEP, and that HEPs promptly notify SFW when students temporarily suspend, or indeed withdraw from their courses. This will enable SFW to make the decision efficiently.

Students should, in the first instance and at the earliest opportunity, contact their HEP. The suspension process should involve the student receiving support and advice from a range of staff at the HEP, particularly course tutors, welfare and financial advisers. HEPs should consider the reasons for suspension and reach an agreement on the best course of action for the student, either withdrawal or suspension. The student and the HEP should agree the likely period of absence and then arrange to keep the position under review.

It is the responsibility of HEPs to notify the SFW as soon as it is agreed that the student will suspend study. The student should also be advised to approach SFW, requesting that they be assessed for continued support if required. Whenever possible a joint approach to SFW from the HEP (supporting the case to extend student support) and the student is

recommended. The process would enable SFW to make a timelier and better informed decision on whether to continue student support, and it would also reduce the possibility of confusion arising over whether a student has withdrawn from the course or has suspended their studies.

Students suspending their studies and returning later in the same term

Grants and loans for living costs

No grants or loans for living costs will be payable during the period in which the absence falls, unless SFW decides that, in view of the circumstances underlining the absence, payment should be made either in full or in part (regulations 58(16) and 61(12) (2017) and 94 (2018)). If the period of absence falls across two periods, then whether or not the student should receive support during either of those two periods will depend upon the extent of the absence in each period. If the absence covers more than half of one period, then the student might not receive support at all for that period. Again, SFW has the discretion to decide whether or not it would be appropriate to pay full or only partial support or none at all, in respect of either of those two periods. If a student spends any time in prison they are ineligible for any support whilst the student is in prison (whether on remand or otherwise) save that SFW has the discretion to determine whether to pay full or partial support, or none at all whilst a student is in prison in an AY. They need to consider what is appropriate in all the circumstances. SFW should consider using their discretion where stopping or recovering payments will cause financial hardship to students and prevent them from continuing with their course. In order to determine if a student should receive grants and loans for living costs for periods spent in prison during the AY, SFW needs to consider factors such as a student's difficulty to pay rent and other living costs to enable them to continue with their course. It is expected that exercising the discretion would be appropriate when a student spends a very short time in prison.

Where the student is deemed to be eligible for support for only part of the AY, the Regulations do not allow the assessed student contribution to be reduced.

Students suspending their studies and returning later in the same AY

2018 cohort example:

Student J is a new system student and begins the second year of the course in September 2019. However, the student suspends attendance in October, having attended for 45 days of the first term and having received payment of the instalment of maintenance loan due in respect of the first period. There are 75 days in the first term.

Student J is eligible for the £9,225 'elsewhere' rate of combined maintenance loan and grant. As a 2018 cohort student with a household income of £35,000, they are entitled to £5,208 of WGLG and £4,017 of loan .

However, instead of returning to the original course, Student J starts a new course in January 2020, the AY of which runs from 1 January to 31 December.

SFW will need to action the case as a transfer.

Original course:

Student J was in attendance at the start of the first term but suspended before the start of the second term. He will not return to the original course. Therefore 25% of the fee is payable in respect of the original course.

SFW decides that Student J is eligible for maintenance loan support in respect of the 45 days of the 75 day term during which the student attended the original course, and reassesses the loan and WGLG support for the first quarter.

Maintenance loan: 33% of £4,017 = £1,325.61
 $(45/75) \times £1,325.61 = £795.37$

WGLG: 33% of £5,208 = £1,718.64
 $(45/75) \times £1,718.64 = £1031.18$

SFW notifies the SLC of the revised entitlement for the original course.

New course:

Student J starts the new course in January. As the AY of the new course runs from January to December the student's maintenance loan entitlement for the first AY of the new course will still be payable in three instalments, the first becoming due in the quarter beginning on 1 January. SFW should reassess as follows:

Student J is eligible for the £9,225 'elsewhere' rate of combined maintenance loan and grant.

SFW would calculate maintenance loan and WGLG entitlement as normal.

SLC will adjust payment accordingly, taking into account any overpayments from a previous assessment.

4. Transfers – Fees – FT

Where a student transfers course and/or HEP after the start of the AY, to a course with a different tuition charge, the total amount of tuition which can be paid out in the AY will never exceed the highest tuition charge which the student has been subject to in that AY.

Where students transfer courses between HEPs, it will be up to the HEPs to agree between them how to apportion the tuition fee for that term (but subject to the annual tuition fee that applied at the start of that term and the maximum TFL/FG (pre-2018 Cohort) or TFL only (2018 Cohort) payable for that term). Any change in the annual tuition fee for the new course will only be applied at the start of the next term the amount already paid for the term in which the student transfers will not be adjusted.

Where a student transfers course and HEP mid AY, the HEP to which they transfer will only receive a percentage of the maximum tuition charge for that course. This will depend on when the student transfers. If the student transfers after the start of term 1, the new HEP will only receive 75% of the tuition charge for the second course. If the student transfers after the start of term 2 the new HEP will only receive 50% of the tuition charge for the second course. If the student transfers after the start of term 3, the new HEP will not receive any further payment for tuition until the start of the following AY.

2018 cohort examples:

Student K started a course in September 2019, for which the tuition charge is £9,000. Student K requests a TFL of £9,000. Student K's attendance for the first term is confirmed and the first instalment of £2,250 (25% of £9,000) is paid.

Student K transfers during the first term to a new course at a different HEP, which also has an annual tuition charge of £9,000. The new HEP can charge 75% of the full AY fee. £6,750 payable in a ratio of 33% in term two and 67% in term three. The new HEP cannot charge any further fee for the first term.

Student K's attendance is confirmed by the new HEP for the second term and the second instalment of £2,227.50 (33% of £6,750) is paid.

Student K's attendance is confirmed for the third term and the third instalment of £4,522.50 (67% of £6,750) is paid.

Total tuition support paid is £9,000 (£2,250 to HEP 1 and £6,750 to HEP 2).

Student L starts a course in October 2019, for which the tuition fee is £9,000. Student L requests a TFL of £9,000. Student L's attendance for the first term is confirmed and the first instalment of £2,250 (25% of £9,000) is paid.

Student L transfers during the first term to a new course at a different HEP, which has an annual tuition charge of £6,000. The new HEP can charge 75% of the full AY fee. £4,500, payable in a ratio of 33% in term 2 and 67% in term 3. The new HEP cannot charge any further fees for the first term.

Student L's attendance is confirmed by the new HEP for the second term and the second instalment of £1,485 (33% of £4,500) is paid.

Student L's attendance is confirmed for the 3rd term and the third instalment of £3,015 (67% of £4,500) is paid.

Total tuition support paid £6,750 (£2,250 to HEP 1 and £4,500 to HEP 2).

Student M commences a course in September 2019, for which the tuition fee is £6,000. Student M requests a TFL of £6,000. Student M's attendance for the 1st term is confirmed and the first instalment of £1,500 (25% of £6,000) is paid.

Student M's attendance for the second term is confirmed and the second instalment of £1,500 (25% of £6,000) is paid.

Student M transfers after the second liability point (during the second term) to a new course at a different HEP for which the full AY fee is £6,000. The HEP can charge 50% of the full AY fee, £3,000.

The new HEP cannot charge any further fee for the second term.

Student M's attendance is confirmed by the new HEP for the third term and the third instalment of £3,000 is paid

Total tuition support paid is £6,000 (£3,000 to HEP 1 and £3,000 HEP 2).

Pre-2018 cohort examples:

Student N is continuing on a course in AY 2019/20 that started in September 2017, for which the tuition fee is £5,000. Student N requests a TFL of £4,335 and is awarded a FG of 665. Student N's attendance for the first term is confirmed and the first instalment of £1,250 (25% of £5,000) is paid as follows:

TFL: First instalment: £1,083.75 (25% of £4,335)

FG: First instalment: £166.25 (25% of £665)

Student N's attendance for the 2nd term is confirmed and the 2nd instalment of £1,250 (25% of £5,000) is paid as follows:

TFL: Second instalment: £1,083.75 (25% of £4,335)

FG: Second instalment: £166.25 (25% of £665)

Student N transfers after the second liability point (during the second term) to a new course at a different HEP for which the full AY fee is £9,000. The HEP can charge 50% of the full AY fee, £4,500

The new HEP cannot charge any further fee for the second term.

Student N's attendance is confirmed by the new HEP for the third term and the third instalment of £4,500 is paid as follows.

TFL: Third instalment £2,167 (50% of £4,335, the remainder of TFL entitlement)

FG: Third instalment £2,333 (remainder of £4,500 after TFL £2,167)

Total tuition support paid is £7,000.50 (TFL: £4,335, FG: £2,665.50)

Student O is continuing a course they began in September 2017, for which the tuition fee is £6,000. Student O requests a TFL of £4,335 and is awarded a FG of £1,665. Student O's attendance for the first term is confirmed and the first instalment of £1,500 (25% of £6,000) is paid as follows:

TFL: First instalment: £1,083.75 (25% of £4,335)

FG: First instalment: £416.25 (25% of £1,665)

Student O's attendance for the second term is confirmed and the second instalment of £1,500 (25% of £6,000) is paid as follows:

TFL: Second instalment: £1,083.75 (25% of £4,335)

FG: Second instalment: £416.25 (25% of £1,665)

Student O's attendance for the third term is confirmed and the third instalment of £3,000 (50% of £6,000) is paid as follows:

TFL: Third instalment £2,167.50 (50% of £4,335)

FG: Third instalment £832.500 (50% of £1,665)

Student O transfers after the third liability point (during the third term) to a new course at a different HEP for which the full AY fee is £6,000.

The new HEP cannot charge any more fees for the third term of this AY.

Total tuition support paid £6,000 (TFL: £4,335, FG: £1,665)

Transfers and withdrawal to courses with a later AY start date (inc compressed years)

Students who transfer to a course with a later AY start date (including compressed first year courses) will be entitled to the remainder of the support in respect of the AY of the course from which the student has transferred (In line with the guidance above).

Students who withdraw from a course and go on to start a course with a later AY start date (including compressed first year courses) will be entitled to full-year support for the new course.

For example:

Transfers

Student A starts a course in September and transfers to a course that starts in January which lasts a full AY. Only the support remaining in relation to the course the student transferred is payable (regulations 8(3), (2017) and (2018)).

Student B starts a course in October and transfers to a February start 'compressed year' course. Again, only the support remaining in relation to the course the student transferred is payable (regulations 8(3) (2017) and 29 and 30, (2018)).

This means that only two terms worth of support for the second course is payable.

Withdrawals

Student C starts a course in September and withdraws shortly afterwards in October. Student C starts a subsequent course in the following January that lasts the full AY. This should be treated as a new period of study, so full support for the whole AY is payable.

Student D starts a course in September and withdraws shortly afterwards in October. Student D starts a 'compressed year' of a new course in the following January, that last the full AY. This should be treated as a new period of study so full support for the whole AY is payable.

5. Transfers – Fees – PT

Where a student transfers course after the first liability point and before the second liability point in an AY, payments will differ from the usual 25% / 50% ratio that would normally be used for the second and third instalments. For the course that the student has transferred to, a TFL of 75% of the full AY fee charge will be available, split in a proportion of 33% / 67%. (Note that this applies even where the full AY fee for the second course is the same as the full AY fee for the first course). Using a 33% / 67% split for the second and third instalments, this gives a 25% / 24.75% / 50.25% TFL weighting split over the course of the AY, for example:

- 25% of the full AY fee charged at the first liability point
- 24.75% of the full AY fee charged at the second liability point
- 50.25% of the full AY fee charged at the third liability point

Student A starts a PT course at HEP A on 1 September 2019. HEP A confirms the student's liability for term one and confirms the tuition fee for the AY to be £2,500. Student A

requests the maximum PT TFL of £2,500. The first instalment of TFL is paid to HEP A following the first liability point:

HEP A: First instalment £625 (25% of £2,500)

The student submits a transfer to HEP B during term one. HEP B confirms the fee for the new course to be £1,968.75 (75% of the maximum full AY fee of £2,625 that can be charged in AY 19/20). The student has requested the maximum PT TFL available.

Payments are made as follows:

HEP B: Second instalment 33% of £1,968.75 = £649.69 (paid following second liability date)

HEP B: Third instalment 67% of £1,968.75 = £1,319.06 (paid following third liability date)

Total tuition support paid £2,593.75 (TFL to HEP A: £625, TFL to HEP B: £1,968.75)

Where a student transfers course after the second liability point and before the third liability point, the second HEP can charge 50% of the full AY fee (paid in one instalment following the third liability point).

6. Overpayments

An 'overpayment' occurs when a student's entitlement is reassessed, and the result of this reassessment is that their annual entitlement to support is reduced to an amount less than that which the student has already been paid, or it is identified that a student has been paid more than they are entitled to.

In order to provide the maximum amount of flexibility, the Regulations allow for an overpayment of any grant for living and other costs to be recovered from any other grant that is payable to the student under regulations 62(9) (2017) or 89 and 90 (2018)).

Furthermore, recovery is possible whether the student stays on the same course or changes course, irrespective of whether the course is FT UG, PT UG or PG. The position on fee support is different as this is paid directly to HEPs, and overpayments would be recovered directly from the HEP concerned (regulations 62(1) (2017) and 89 (2018)).

Regulations allow for an overpayment of loan for living costs to be recovered from any further loan which is payable to the student (regulations 62(11) (2017) and 89 and 91 (2018)). Where part or all of an overpayment of a loan for living costs is outstanding when the student leaves or completes their course, the method of recovery will depend on the circumstances in which the overpayment occurred.

Overpayments of grants for living and other costs

Regulations 2(2017) and 90 (2018) apply where the SLC has already paid out grants for living and other costs and then SFW reassesses the amount due.

If the amount of grant to be paid has increased, the SLC should process the reassessment. The student's instalments of grant for the year will be increased to reflect the increased entitlement to support.

If the reassessment results in a reduction in entitlement to grant, the amount overpaid will be normally recovered in full from the next instalment of that grant or any other grants which remain to be paid within the current AY.

Regulations 62(9)(a) (2017) and 90 (2018) provide for an overpayment of grant for living and other costs to be subtracted from any grant payable to the eligible student from time to time under the relevant student support regulations. In other words, the overpayment may be recovered from a grant payable in respect of a later AY of the current course, or in respect of a later course (irrespective of whether the later course is FT UG, PT UG or PG).

Alternatively, SFW may recover an overpayment of a grant for living and other costs by taking such other action as is available (regulations 62(9)(b) (2017) and 90 (2018)). For example, where the student is no longer attending the course, the SLC may seek to recover the overpayment directly from the student by initiating proceedings in the county court.

SFW is obliged to recover overpayments of grants for living and other costs unless they consider that it is not appropriate to do so (regulations 62(3) (2017) and 90 (2018)). They may, however, exercise discretion as to how and when to go about this.

Disabled Students' Allowances paid to third parties

DSAs are generally paid direct to the suppliers of equipment or other support. It is an option for SFW to recover an overpayment of grants for living or other costs from DSA monies earmarked to pay a supplier.

For example, a student is assessed to be eligible for DSAs and equipment worth £3,500 is ordered from a supplier. It subsequently comes to light that there is an overpayment of grants for living and other costs of £1,000 outstanding from a previous course.

SFW has the option to recover the overpayment from the DSA monies earmarked to pay the supplier. This will mean, of course, that the student's remaining DSA is not enough to pay the supplier in full. The question then arises as to who is liable to pay the balance. Whether SFW is liable will depend on the facts of the particular case, and before seeking to recover an overpayment from DSA money earmarked to a supplier SFW should satisfy itself that it will not be liable to pay the supplier.

Equipment supplied before the student starts the course / delivered after the student has left the course

A DSA needs assessment may be provided before a student has started their course to ensure that any equipment or other support that they need can be arranged and delivered for the beginning of term. In some cases it may be appropriate to supply DSA equipment early as well. For example, where training in the use of the equipment is necessary before the student starts their course. However, if the student subsequently does not start the course, this may constitute an overpayment (see regulations 62(4) (2017) and 89 (2018) in the case of a PT student, regulations 109(5) (2017) and Schedule 4 (2018) in the case of a PG student).

Similarly, a student may start their course, then abandon it and then receive DSA payments or equipment after they have abandoned the course (possibly because SFW had not been notified that the student had left the course). This may constitute an overpayment (see Regulations 62(5) and (7), (2017) and 90 (2018) in the case of a FT student, Regulations 109(7)-(10) (2017) and 90 (2018) in the case of a PT student or Regulations 119(6)-(9) (2017) and Schedule 4 Paragraph 22 (2018) in the case of a PG student).

SFW will be able to accept the return of the equipment, a monetary repayment or a combination of both. For example, where the student has received two items of equipment through the DSA, the value of the items is equal to the amount of the overpayment and it is possible to return one item to the supplier and secure a full refund but not possible to return the other item, the amount of the overpayment can be reduced by the amount refunded and paid to the SLC with the student still having to make up the difference if the remaining amount of the overpayment cannot be recovered from any other grant for living and other costs.

Overpayments of maintenance loan or extra weeks' loan

Where a maintenance loan or extra weeks loan has already been paid and SFW then reassesses the amount due and the amount of loan to be paid for living costs or extra weeks' loan has increased, SFW should process the reassessment as soon as possible. The student's instalments of loan for the year will be increased to reflect the increased entitlement to support.

Regulations 61(15) (2017) and 90 (2018) apply where a maintenance loan or extra weeks' loan has already been paid and SFW then reassesses the amount due.

If the reassessment results in a reduction in entitlement to maintenance loan or extra weeks loan, the amount overpaid will be recovered in full from the next instalment(s) of maintenance loan or extra weeks loan which remain to be paid within the current AY.

If there still remains an amount outstanding, then it is to be recovered in accordance with regulations 62, (2017) and 89 and 91 (2018).

The student will receive a payment schedule letter detailing the amounts to be recovered.

Regulations 62(10) (2017) and 91(2018) provide that SFW may recover an overpayment of loan for living costs if:

- a. The overpayment is a result of a failure of the student to provide promptly information which might affect the student's eligibility for a loan, or the amount of loan for which the student is eligible or
- b. Any information which the student has provided is inaccurate in a material particular
- c. The student has failed to provide information which SFW considers to be material in the context of the recovery of the loan

The method of recovery in these circumstances is either subtracting the amount of the overpayment from any payable to the student under regulations made under section 22 of the Teaching and Higher Education Act 1998 or such other action as is available.

Where the reason for the overpayment is not one listed in regulations 62 (2017) and 91 (2018), SFW may subtract the amount of the overpayment from any maintenance loan payable to the student under the relevant student support regulations.

These methods for recovering an overpayment can be carried out before or after the income contingent repayment procedure begins. Where SFW decides to exercise these powers they must advise the SLC of the amount to be recovered by performing a reassessment. This will ensure that any overdue amount will be requested as soon as possible from the customer and that the appropriate recovery methods can commence.

Overpayments made as the result of an internal error

The Regulations do not specifically cover circumstances where a miscalculation by the assessor results in a student receiving payment of a higher amount than the student is entitled to. However, regulations 62(2) (2017) and 89 (2018) provide that an eligible student must, if required by the Welsh Ministers, repay any amount paid to the student under Part 5 or Part 6 of the Regulations which for whatever reason exceeds the amount of support to which the student is entitled. The Welsh Ministers must recover an overpayment of any grant for living and other costs unless the Welsh Ministers consider it is not appropriate to do so (regulation 62(3) (2017) and 91 (2018)).

The view of the Welsh Ministers, therefore, is that SFW should always carry out the reassessment even when the overpayment has resulted from an internal error. SFW should advise SLC of the circumstance that caused the overpayment to arise to allow the SLC to negotiate the most appropriate method of recovery where the student is unable to make repayment in full. SLC will negotiate the recovery of the overpaid amount on a case by case

basis. This is carried out by SLC in line with current guidelines to recover payments to which students are not entitled.

7. Annex A – Updates Log

Date	Updates
Version 0.1	Rollover and policy updates made
Version 2.0	Accessibility updates.

8. Annex B

ENQUIRIES

If you have any queries on this guidance, please contact:

Higher Education Division

Welsh Government

E-mail

studentfinancedivision@gov.wales
