



Department  
for Business  
Innovation & Skills

## HIGHER EDUCATION POLICY

Consultation on Extending the  
Eligibility Criteria for Access to  
Higher Education Student Living  
Cost Support for EU Nationals

SEPTEMBER 2014

# Foreword

**The diversity of our universities is one of the major strengths of the Higher Education sector in the UK and overseas students, many of whom come from the EU, make a valuable academic, social and economic contribution to its success.**

**The purpose of this Department for Business, Innovation and Skills consultation is not to dilute this diverse culture but to address the economic reality of the Higher Education budget by bringing the rules regarding living cost support for EU students in line with the rules applied to visiting students in other EU countries.**

**The consultation does not propose to make any changes to the rules on accessing living cost support for UK nationals and those settled in the UK, or for workers from the EU and EEA or those who the Home Office have granted international protection.**

**I welcome your views on this consultation, especially from individuals and organisations that have a role in the Higher Education sector.**

**Greg Clark  
Minister for Universities**

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# 1. Executive Summary

Overseas students studying in the UK bring substantial benefits to the UK and a significant proportion of these students come from other EU countries. The Government wants to continue to attract EU students to our Higher Education Institutions.

The current rules on accessing Higher Education (HE) student finance for EU nationals are generous when compared to other EU countries and are placing a further pressure on the student funding budget which we do not think is fair to UK taxpayers.

EU nationals and their families have the same access to HE student finance for tuition fees as students from England. This means that they can apply for a loan to cover their tuition fees and can be charged no more than the “home” rate of fees.

EU nationals who have been resident in the UK for three years can also apply for living cost support equivalent to students from England. We are proposing increasing this requirement from three years to five years for EU nationals, other than workers or family members of workers, to be able to claim living cost support.

HE is a devolved matter in Scotland, Wales and Northern Ireland so all references to HE in this document refer to England only.

## 2. How to respond

<b>Issued:</b>	<b>1<sup>st</sup> September 2014</b>
<b>Respond by:</b>	<b>10th November 2014</b>
<b>Issued by:</b> <b>Skills</b>	<b>Department for Business Innovation and</b>
<b>Topic:</b>	<b>Extending residency requirements for</b> <b>EU students</b>

### **Geographical Scope: England**

This is a public consultation and is open to anyone to respond. We would particularly welcome views from Higher Education Institutes, their representative bodies and organisations representing EU migrants.

Respondents are asked to complete the online questionnaire which is available at <https://www.gov.uk/government/consultations/higher-education-living-cost-support-eu-nationals-residency-requirements> until the consultation closes. This form includes questions on demography and equality.

This form can be submitted by email to:  
[he.consult@bis.gsi.gov.uk](mailto:he.consult@bis.gsi.gov.uk)

For those respondents who are unable to use an online format, alternative formats can be made available by email to:  
[he.consult@bis.gsi.gov.uk](mailto:he.consult@bis.gsi.gov.uk)

### 3. Confidentiality & Data Protection

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department may share responses to this consultation with other Government Departments. If you do not wish for your response to be shared with other Government Departments please clearly state this in your response.

# 4. The Current Position

## **The English Higher Education system**

We are proud of our world-class university sector. In 2012 the funding arrangements for HE institutions changed. The majority of public support for the costs of university teaching now flows through undergraduate students, via up front tuition fee loans which are repaid after graduation, and according to their personal choice of course and institution rather than as previously through block grants via the funding council. The university sector does also continue to benefit from substantial public funding.

## **Student finance loans and grants**

To be considered for financial support in England students must be eligible and studying on a course designated for support purposes. Students must have recent and lawful residential link to the UK and Islands and be living in England. There are exceptions for those applicants who have been granted leave to remain as Refugees. The relevant regulations are The Education (Student Support) Regulations 2011.

A full-time undergraduate student will normally have to pay for their tuition fees as well as living costs for the duration of the course. Eligible students can apply to Student Finance England (SFE) for loans and grants to help with these costs.

A Tuition Fee Loan will generally be available to cover the cost of tuition fees. This may be up to £9,000 per annum (the “home” rate) but the cost varies between type of institution and course.

Living cost support is also available. This currently comprises a maintenance loan of up to £7,675 which is means tested and a maintenance grant if you are from a lower income family of up to £3,354 depending on household income.

In addition there are a number of supplementary allowances and grants:

- Disabled Students Allowances (DSAs) are available for students with disabilities or specific learning difficulties and

can pay towards the cost of specialist equipment and where needed a non-medical helper;

- Adult Dependents Grant of up to £2,642 a year;
- Parents Learning Allowance of up to £1,508 a year; and
- Childcare Grant of 85% of the actual cost up to a maximum of £148.75 per week for one child and £255 per week for two or more children.

Students start to pay back their loans when they have left University but grants are not paid back. The loan system is based on a progressive graduate contribution system. Students repay their loans after graduation only when they are earning more than £21,000. These repayments are at a rate of 9% of any income above £21,000; and any debt not repaid after 30 years is written off. Students are therefore protected should they go on to earn lower incomes and do not repay their loans in full.

### **Student finance available to EU nationals**

In 2004 the European Council clarified the rights of citizens of the European Union and their family members to move and reside freely within the territory of the Member States. After five years the right of residence becomes permanent.

An EU national will generally be eligible for a Tuition Fee Loan to cover the cost of tuition fees. The fees will be set at the “home” fee rate; as opposed to the “international” rate that institutions can charge international students which are usually higher.

If an EU national has lived in the UK for at least three years they can also apply for living cost support for full-time higher education on the same basis as UK nationals. The living cost and supplementary allowances and grants available are described above.

### **Student trends**

In 2012/13 academic year (AY) there were about 1 million full-time applicants for student finance who were awarded some form of support. Total support awarded was £9,342m. The cost of student support is expected to increase further as student number controls are relaxed. Loan outlay is set to increase by £180m in 2014/15 AY with the addition of up to 30,000 extra places in the 2014/15



AY, with additional cost increases of £600m and £1,170m in 2015-16 and 2016-17 as up to 45,000 and 60,000 extra places are provided as number controls at publicly funded providers are removed.

According to the SLC, 8,200 full-time EU domiciled students received tuition fee loans for students entering HE in the 2006/07 AY. This compares with 12,300 full-time students receiving tuition fee loans for those entering AY 2012/13. The continuing trend is an increase in EU domiciled students coming to England to study with a total of 33,900 students receiving tuition fee support in 2013 up from 31,700 in 2011/12.

### **Impact of EU students on the student finance budgets**

The number of EU nationals claiming living cost support has increased dramatically and this is posing an undue burden on the student support budget. In 2009/10 AY there were around 11,600 EU nationals who received living cost support at a cost of £75m. This had risen to around 22,800 awards in 2012/13 AY amounting to £162m. Of this £162m, maintenance loans are by far the biggest component at £101m.

In addition, a further £61m was awarded in maintenance grants and other targeted support grants which are not repaid and represent 37% of the funding awarded to these students. The average maintenance loan (at £4,500) and the average maintenance grant (at £2,280) are higher than those paid to UK nationals. This will in part reflect the fact that around 68% of EU nationals accessing student support are mature students, that is they are aged 21+ years. They are therefore much more likely to be assessed as independent, and therefore will not have parental household income taken into account in any means testing.

Overall HE budget and take-up rates for both tuition fee and maintenance loans are increasing, as the effects of the 2012 HE Reform system are fully rolled out, budgets for fee and maintenance loan outlay have increased to £10,800 million in 2014-15 and £12,200 million in 2015-16. Evidence shows that higher education remains a good long term investment with substantial public and private returns. However, we are monitoring

the overall affordability of the system and taking action where necessary to ensure it remains sustainable in the long term.

Collecting loan repayments from graduates is straightforward when they are on the existing PAYE tax system in the UK. Here the employer can make the deductions and these are then passed to HMRC. Considering EU loan borrowers, we estimate that around 46% have either fully repaid or remain in the UK tax system after completing their studies. We do not have data available on the percentage of EU nationals eligible for maintenance loans that remain in the UK tax system.

For graduates who move or return to other countries recovery of loans is inevitably more challenging because of the difficulty of tracing students, identifying repayment levels and the difficulty of taking enforcement action to ensure repayments or seize assets. This becomes increasingly important owing to the increasing value of outstanding loans and was described by the National Audit Office in a recent report.

Of the 8,900 EU domiciled tuition fee loan borrowers who should have started repaying their loans in 2011, 24% had either fully repaid or were over the earnings threshold and had made a repayment towards their loans. This is compared with 47% across all domiciles. EU borrowers are more likely to have failed to supply details of their income and are more likely to have been placed in arrears than English borrowers.

### **Student support in other EU countries**

Understandably different student support arrangements operate across the EU which reflect individual countries higher education systems; with only around half of all EU countries offering any form of maintenance support. The eight countries which do specify a residency requirement for living cost support are those which are net importers of EU nationals for higher education study. Of those eight countries Austria, Belgium, Denmark, Finland, Germany, the Netherlands and Sweden require five years residency in the home country before students become eligible for living cost support.

The EEA countries also have a residency requirement for living cost support: Iceland (5 years), Liechtenstein (3 years) and Norway (5 years).

At present England is more generous when compared with these other EU countries; and a change to a five year residency requirement would bring us in line with these countries. The majority of those countries have residency requirements for EU students that are longer than those that apply to their home nationals.

By far the majority of EU/European Economic Area (EEA) countries do not offer any maintenance support to HE students. Of the 31 EU/EEA countries, 12 do not offer any living cost support and a further 3 countries only offer living cost support where there are shared bilateral agreements in place. In addition the amount of maintenance support is frequently a relatively small amount. The table in Annex C provides more information.

# 5. The New Proposal

## **The proposal**

We are consulting on the proposal that the residency requirement for EU nationals who are not workers or family members of workers should be extended from three years to five years in the UK and Islands in order for them to be able to apply for living cost support. Living cost support includes maintenance loans, maintenance grants and other supplementary allowances and grants such as the disabled students' allowance.

## **Summary of rationale**

We recognise the positive contribution that EU students make to our economy, but we are facing a significant financial burden arising because of the increasing number of applications from EU nationals wanting to study in England; and particularly the proportion of those that are applying for living costs support. Our higher education system may be particularly attractive to EU students as the majority of other EU countries do not offer any maintenance support. This is placing pressure on the student support budget and has consequences for the overall level of assistance granted by the UK to students. In addition it is more difficult to recover loan repayments which place additional pressure on the student finance budget.

## **Impact on EU nationals**

It is difficult to estimate the effect of increasing the residency requirement by two years on prospective EU nationals studying in the UK. The Student Loans Company (SLC) assesses whether the student meets the minimum residency criteria as part of the application process; however, it does not collect data on the overall length of residency of applicants for student finance.

For those who do not meet this new test a consequence could be that some students delay rather than forgo HE. For every 1,000 individuals that forgo entry into HE there would be a combined tuition and living costs loan and grant cash savings of £14.6m. Alternatively, for every 1000 individuals who continue in HE but

without student support there would be cash savings of £7.1m. We welcome additional information that will develop our evidence base on the number of students that would delay entry into HE.

Our initial analysis (Annex B) of equality issues show that EU nationals who meet the current residency requirement and are claiming student support for maintenance purposes are more likely to be aged 21 and over and from disadvantaged backgrounds compared with the overall population claiming student support. This suggests these groups may face an adverse impact. This is partially explained by EU nationals being older than the average UK undergraduate and assessed on their individual income rather than household income. We consider that the risk of such disparate impact would be both proportionate and justified having regard to the aim of the policy.

Information on ethnicity is only available for 30% of all student support applications and 27% of EU national applications. This is not unusual as it is not mandatory for students applying for student support to supply this information. Notwithstanding the gaps in the data it is likely that African descent students may face a greater impact as they make a larger share of the EU student population compared with the general student population. Such adverse impact would not be intended and would be proportionate having regard to the rationale.

Considering all the evidence it does not appear the change in residency requirement will particularly affect disabled students.

**Question 1 – Do you agree that access to the living cost support should be based on whether EU nationals have lived in the UK for five years? Can you supply any additional information in support or against this extension?**

**Question 2 – Do you think that the policy proposal will have any equality implications and affect groups with protected characteristics?**

## **Extend residency requirement to UK nationals**

We are not proposing to extend this further residency requirement for those settled in UK, which includes UK nationals.

In academic year 2012/13 there were around 970,000 applications from those settled in the UK. They were awarded around £3.5bn in maintenance loans, £1.4bn in maintenance grants and £218m in other targeted support grants. The average living costs loans and grants are lower than those paid to EU nationals as UK national students are traditionally 18 when they go to University and benefit from parental support. SLC data shows that around 87% of UK nationals take up a Tuition Loan and around 98% who make applications to SLC for a Tuition Loan apply for a maintenance loan.

As with EU nationals, the SLC does not collect residency management information on UK nationals.

It is estimated that some 5.5m UK passport holders are living outside the UK but we do not know their age profile or which country they are resident in. The student finance system also allows some discretion in the consideration of gap years or temporary absence abroad. We welcome additional information that will develop our evidence base on the number of students that would delay entry into HE.

**Question 3 – Do you think this extension to five years residency requirement should also be applied to UK nationals for the purposes of applying for living cost support? Can you supply any additional information in support of this view?**

## **Refugees and those granted Humanitarian Protection and their family members**

For those applicants who have been granted leave to remain as Refugee or recognised as in need of Humanitarian Protection by the Home office then their rights to student support under the

Regulations are linked to the granting of this status. Refugees are exempt from the three year residence requirement for applying for student finance. However, those granted leave having been recognised as needing Humanitarian Protection must have been ordinarily resident in the UK for 3 years. About 3,600 students from overseas qualify for student support on the basis of having refugee status, and 380 on the basis of Humanitarian Protection. These categories are not the subject of this consultation.

### **Persons who are settled in the United Kingdom**

Persons who are settled under the terms of the Immigration Act 1971 are ordinarily resident in the UK without being subject under the immigration laws to any restriction on the period for which they may remain. It is not our intention to increase the residency requirement for this category of students.

### **EEA migrant workers and their family members**

Any change in residency requirements will not affect the rights of EEA migrant workers and their family members.

The treatment of children of Turkish workers and children of Swiss nationals has a separate legal basis and is more analogous to the treatment of family members of EEA migrant workers. Accordingly these categories are not the subject of this consultation.

### **Question 4 – Do you have any other comments on the proposals within the consultation document?**

## 6. Implementation

There is no intention to apply this policy retrospectively. We would also not apply the policy change to any existing students at the time the regulatory change comes into place. The earliest this change would be introduced would be 2016/17.

Students applying for student living cost support would in future be asked to supply evidence of five years of residency in the UK rather than, as now, three years.

## 7. Summary of Consultation Questions

- 1. Do you agree that access to the living cost support should be based on whether EU nationals have lived in the UK for 5 years? (Yes/ No/ Don't know) Can you supply any additional information in support or against this extension?**
- 2. Do you think the policy proposal will have any equality implications and affect groups with protected characteristics?**
- 3. Do you think that this extension to a five year residency requirement should also be applied to UK nationals for the purposes of applying for living cost support? (Yes/ No/ Don't know) Can you supply any additional information in support of this view?**
- 4. Do you have any other comments on the proposals within this consultation document?**



# Annex A: Consultation Procedures & Principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

## **Comments or complaints on the conduct of this consultation**

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Angela Rabess,  
BIS Consultation Co-ordinator,  
1 Victoria Street,  
London  
SW1H 0ET

Telephone Angela on 020 7215 1661  
Or e-mail to: [angela.rabess@bis.gsi.gov.uk](mailto:angela.rabess@bis.gsi.gov.uk)

## **What Happens Next?**

The consultation closes on 10th November. The Department intends on publishing a response before the end of 2014.

# Annex B: Equality Analysis

1. We have looked at sex, age, race and disability in this Equality analysis. We also consider the impact to those from lower income groups. We do not have specific evidence relating to gender reassignment, pregnancy and maternity, sexual orientation and religion or belief, as data has not been collected on these groups previously.
2. Identifying the group of students that would be directly affected by the change in residency requirement and assessing the impact on individuals with protected characteristics is difficult due to the lack of residency data. Our initial aim was to base the analysis on information using NPD-HESA data to draw conclusions on the number and type of young students that would be affected by the change in residency requirement. However due to caveats and poor data coverage this has only been partially successful. We therefore observed the EU national population (and other groups) who have been awarded student support to explore the types of students that are likely to be affected by the residency change, and compared this with the baseline of the whole student support population.
3. The evidence base we use is structured as follows:
  - An estimation of the number and the characteristics of the students that would be affected by the change in residency requirement using NPD-HESA data.
  - Due to limitations with the NPD-HESA data we also consider the characteristics of current student support recipients using data available from the Student Loans Company<sup>1</sup>. We start by assessing the 'baseline' group of students awarded at least one student maintenance support product such as maintenance loans, grants and other forms of targeted support.
  - We then consider the characteristics of the EU nationals group who satisfy the current 3 year residency

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<sup>1</sup> SLC awards data (2012/13)

requirement and are awarded student support, the group who would be affected by the change. A comparison of the student characteristics is made with the baseline group to assess whether there could potentially be any potential adverse impacts for groups who share a protected characteristic.

## **NPD-HESA analysis**

12. To try and identify the number of young students that would be potentially affected by the change in residency requirement we analysed the NPD-HESA dataset which tracks students as they progress through the educational stages.<sup>2</sup> We approximate the time spent in the UK by observing whether a student has taken KS3 or KS4 tests.
13. Around 46,000 HE students were recorded in the NPD as attending English state maintained schools at KS4 but not in KS3. This group are potentially those young people that have changed to English residency between the ages of 14 and 16 and we assume students within this group would be those potentially affected by the change in residency requirement.
14. Analysing this population, a greater proportion of these students are male and report having a disability compared with the broader population of KS3 and KS4 students in HE.
15. The NPD-HESA analysis suggests of the potential group of students affected, the proportion of students of an ethnic minority is broadly similar to the overall student population. Poor coverage of the disadvantage measure in the NPD (free school meals) means we cannot draw any further conclusions on the group that will be affected.<sup>3</sup> Furthermore, the findings using NPD-HESA should be heavily caveated, as it does not take into account students studying at all independent schools,

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<sup>2</sup> The National Pupil Database (NPD) is a longitudinal database linking pupil characteristics (e.g. age, gender, and ethnicity) to school and college learning aims and attainment information for children in schools and colleges in England.

<sup>3</sup> Reliable information on Free School Meal status was not available for students who were not in schools in England in Key Stage 3 but were present in Key Stage 4. Possible reasons for the poor coverage are that some students were not yet in KS4 at the time of the Spring School Census, and some students entered KS4 in independent schools with no census information collected.

includes UK nationals (who would not be affected by the change in residency requirement), and does not accurately account for students who move between other countries in the UK. Moreover, the estimate only considers students who would enter HE aged 18, and does not consider mature entrants, which make up a large proportion of EU nationals.

16. The NPD-HESA analysis is shown in the tables below:

**Table 1: Potential group of students affected by the change in residency, broken down by Gender, Disability and Ethnicity**

	Students in KS3, KS4 and enter HE	Group affected by residency change: Students not in KS3, in KS4 and enter HE
Number of students	344,475	46,155
% Female	55%	51%
% Known to have a disability*	7%	13%
BME	21%	23%
White	75%	72%
Ethnicity not known	4%	5%

\*Disability information covers 96% of students in KS3 and KS4 and enter HE, and 97% of students not in KS3, in KS4 and enter HE.

Source: Matched data from the DfE National Pupil Database, HESA Student Record and SFA ILR for students entering HE by age 19 in 2010/11

## Overall Student support population

17. Analysis of SLC data for academic year 2012/13 shows that around 1,030,000 students claimed any one form of student living support (excluding tuition fee support). Of this number:

- 54.4% are women
- The majority of students claiming support are aged 21 and under (60.8%)
- 5.4% of all student support claimants qualified for the disabled student allowance (DSA). We use the

number of students qualifying for DSA as a proxy for the number of disabled students.<sup>4</sup>

- Around 39.8% of student support claimants qualified for the full maintenance grant. We use this as a proxy for those considered to be disadvantaged.

18. It is not mandatory for student support claimants to provide their ethnicity when applying for student support, with ethnicity data only available for 30% of claimants. This makes any inferences on the ethnic composition of claimants under the different domicile statuses much less robust compared with gender and age. The share by ethnicity is shown in Table 2.

**Table 2: Breakdown of student support claimants by sex, age, ethnicity, disability and disadvantage: Full-time England domiciled applicants studying at a HEI in England 2012/13.**

<b>Sex</b>	<b>Proportion</b>
Male	45.6%
Female	54.4%
<b>All</b>	<b>100%</b>

<b>Age</b>	<b>Proportion</b>
Under 21	60.8%
21 – 24	25.7%
25 and over	13.5%
<b>All</b>	<b>100%</b>

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<sup>4</sup> Not all disabled students will apply for DSA

Ethnicity		Proportion
White	British	73.3%
	Irish	0.5%
	Other White	3.5%
Black	Caribbean	1.8%
	African	5.4%
	Other Black	0.4%
Asian	Indian	4.0%
	Pakistani	3.0%
	Bangladeshi	1.3%
	Chinese	0.8%
	Other Asian	1.9%
Mixed/ Other	White and Black Caribbean	1.1%
	White and Black African	0.5%
	White and Asian	1.0%
	Other Mixed	1.2%
	Other Ethnicity	0.4%
<b>All</b>		<b>100%</b>

Note: Ethnicity data based on 30% of claimants only.

Disabled students	Proportion
DSA claimants	5.4%
Non DSA claimants	94.6%
<b>All</b>	<b>100%</b>

Disadvantaged students	Proportion
Full Grant	39.8%
Partial or no grant	60.2%
<b>All</b>	<b>100%</b>

**Source: SLC student support awards data, 2012/13. Data may not sum to 100% due to rounding.**

**Note: The data covers those students who applied for at least one student maintenance support product and were approved for payment**

## EU nationals receiving student support

18. We compare the baseline of all students who were awarded any form of student living support to the sub-group of EU national students who would be affected by the change in residency requirement.
19. In 2012/13 around 25,000 EU nationals were awarded student support having achieved at least 3 years residency in the UK. Increasing the residency requirement would impact future students who would fall within this category, but we are unable to determine the exact number that are likely to be impacted based on current data, as some of these students may have had more than 3 (or 5) years residency. The data shows that:
  - Female students make up a slightly greater proportion of the EU students claiming support than the overall population (56.3% compared with 54.4%).
  - EU national students are more likely to be mature, with 68.2% of students aged 21 and over, compared with 39.2% of the general population. Older students could therefore be particularly affected by the change in the residency requirement.
  - Ethnicity information is only available for 27% of EU national student support claimants. This information suggests that Black African students make a substantially larger proportion of EU students awarded student support than the general population (around 13.3% compared to around 5.4%), suggesting they may be particularly affected by the change in residency requirement (See Table 3).
  - Nationality information provided from the SLC suggests that a high proportion of students of certain nationalities could be affected by the change in residency requirement from three to five years. 86% of all Romanian nationals claiming student support are EU national students and could potentially be affected by the change in residency requirement (remaining 14% belong to other groups not affected by the residency requirement change, such as those with Settled Status). A high proportion of students that have Hungarian, Portuguese,

and French nationality could also be potentially affected by the change in residency requirement (82%, 81%, 78% are EU national students respectively).

- The student support data suggests disabled students would not be particularly affected by the change in residency requirement, as the EU proportion awarded DSA (2.7%) is smaller than the general population (5.4%). This contrasts with the NPD-HESA analysis which suggested that disabled students are more likely to be affected. As the disability measure is self-reported in the NPD-HESA analysis, whereas the DSA allocation in the student awards data is based on assessment, we believe the SLC data provides a more accurate reflection of whether disabled students are likely to be particularly affected by the residency change.
- However, disadvantaged students, identified by those who receive the full maintenance grant are likely to be particularly affected. 62.7% of EU national students receive the full award, considerably higher than 39.8% of the general population. This is potentially explained in part by EU nationals being older as mature students are more likely to receive maintenance grant as they are judged on individual rather than household incomes. However across the age groups EU national students are on average awarded higher amounts of maintenance grant: Students from the general population baseline aged less than 21, 21 to 24 and 25 and above were awarded on average £1,330, £1,420 and £2,100 respectively. For EU nationals, the corresponding average amounts were higher at £2,050, £1870 and £2,200.

**Table 3: Breakdown of student support claimants by sex, age, ethnicity, disability and disadvantage: Full-time England domiciled EU nationals studying at a HEI in England 2012/13**

<b>Sex</b>	<b>Proportion</b>
Male	43.7%
Female	56.3%
<b>All</b>	<b>100%</b>



<b>Age</b>	<b>Proportion</b>
Under 21	31.9%
21 – 24	24.9%
25 and over	43.3%
<b>All</b>	<b>100%</b>

<b>Ethnicity</b>		<b>Proportion</b>
White	British	1.4%
	Irish	3.6%
	Other White	61.4%
Black	Caribbean	0.6%
	African	13.3%
	Other Black	2.7%
Asian	Indian	1.1%
	Pakistani	1.8%
	Bangladeshi	0.3%
	Chinese	0.4%
	Other Asian	4.9%
Mixed/ Other	White and Black Caribbean	0.5%
	White and Black African	3.4%
	White and Asian	0.8%
	Other Mixed	3.1%
	Other Ethnicity	0.8%
<b>All</b>		<b>100%</b>

Note: Ethnicity data based on 27% of claimants only.

<b>Disabled students</b>	<b>Proportion</b>
DSA claimants	2.7%
Non DSA claimants	97.3%
<b>All</b>	<b>100%</b>

<b>Disadvantaged students</b>	<b>Proportion</b>
Full Grant	62.7%
Partial or no grant	37.3%
<b>All</b>	<b>100%</b>

**Source: SLC student support awards data, 2012/13. Data may not sum to 100% due to rounding.**

**Note: The data covers those students who applied for at least one student maintenance support product and were approved for payment.**

# Annex C: Table of Living Cost Support in EEA Countries

<b>EU/EEA Countries</b>	<b>Residency Requirement for EU nationals</b>	<b>Other relevant information</b>
Austria	5 Years	Upper age limit applies (30)
Belgium Flemish Community	5 Years	
Belgium French Community	No living cost support	
Bulgaria	No living cost support	
Croatia	No living cost support	
Cyprus	No living cost support	
Czech Republic	Support to specific countries only	
Denmark	5 Years	
Estonia	Support to specific countries only	
Finland	5 Years	
France	No residency requirement	Support limited to housing grant rebate of approx. €200 per month, average rent €520
Germany	5 Years	Upper age limit applies (30)
Greece	No living cost support	
Hungary	No living cost support	
Iceland (EEA Only)	5 Years	
Ireland	3 out of the previous 5 years	
Italy	No residency requirement	No automatic right, support is merit

		based then means tested and differs from region to region
Latvia	Support to specific countries only	
Liechtenstein (EEA Only)	3 Years	
Lithuania	No residency requirement	Scholarships paid vary from institution to institution. Merit based and vary by study level
Luxembourg	No residency requirement	Loans must be paid back within 10 years (5 if you are over 35) and repayments are not income contingent
Malta	No living cost support	
Netherlands	5 Years	Upper age limit applies (30)
Norway (EEA Only)	5 Years	
Poland	No living cost support	
Portugal	No living cost support	
Romania	No living cost support	
Slovakia	Support to specific countries only	
Slovenia	No living cost support	
Spain	No living cost support	
Sweden	5 Years	

# Annex D: Definitions of terms and acronyms

**Academic year** - The period of 12 months beginning on 1<sup>st</sup> January, 1<sup>st</sup> April, 1<sup>st</sup> July or 1<sup>st</sup> September of the calendar year in which a course begins. For the purpose of this document any reference to the commencement of new regulation will mean the 1<sup>st</sup> September in that year.

**EU** – The European Union (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom).

**EEA** – The European Economic Area (The EU countries plus Iceland, Liechtenstein, Norway).

**HEI** – Higher Education Institution, a university or college accredited and approved to deliver courses designated for Higher Education.

**HESA** – Higher Education Statistics Agency, the official agency for the collection, analysis and dissemination of quantitative higher education data in the UK.

**HMRC** – Her Majesty's Revenue and Customs, the UK body responsible for tax collection.

**Home fees** – The fee that an HEI may charge a student who meets one or more of the eligibility categories in Schedule 1 to the Fees and Awards Regulations is currently capped at £9,000 per year for full time courses and £6,750 for part time courses.

**Humanitarian Protection** – A status conferred by the Home Office on a person who is recognised as in need of Humanitarian Protection.

**KS3/KS4** – Key stages 3 and 4 are the stages of the national education curriculum that a child in statutory is assessed against usually at the ages of 14 and 16 respectively.

**Living cost support** – Means tested or needs assessed student support available to eligible students in addition to the tuition fee loan. This includes maintenance loan, maintenance grant, disabled student allowance, child care grant, adult dependents grant and parents' learning allowance.

**Loans threshold** – The amount that a graduate in repayment must earn before student loan repayments are taken by HMRC. Pre 2012 students will repay 9% of earnings over £16,910. For students who started higher education in 2012 and beyond the threshold is £21,000 per year.

**NPD** – The National Pupil Database contains detail data on pupils in schools and colleges in England including test scores and pupil characteristics such as gender, ethnicity, special educational needs and eligibility for free school meals.

**Ordinary residence** – The place where one is considered to be lawfully and habitually resident.

**PAYE** – Pay as you earn, the UK system of income tax calculation and deductions and the method by which UK residents will repay their loans.

**Refugees** – A status conferred by the Home Office on persons who have been granted leave to remain as a Refugee under the terms of the UN Geneva Convention 1951.

**SLC** – Student Loans Company is a Non-Departmental Public Body operating within a framework to government. Student Finance England (SFE) is their operational body responsible for assessing applications for student finance and paying student support in England.

**Tuition fee loan** – A loan made available to eligible students by Student Finance England to specifically cover the cost of tuition and paid directly to HEIs.

**UK and Islands** – For the purposes of this document the UK means England, Northern Ireland, Scotland and Wales and 'Islands' means the Channel Islands and the Isle of Man.

**Undergraduate courses** – In general terms a course leading to a qualification above A Level or equivalent, which a degree is not a formal entry requirement. It includes; Bachelor Degree, Certificate in Higher Education, Diploma in Higher Education, Higher National Certificate, Higher National Diploma and Foundation Degree.

# Annex E: Consultation on Extending the Eligibility Criteria for Access to Higher Education Student Living Cost Support for EU Nationals Response Form

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 10/11/2014

Respondents are asked to complete the online questionnaire which is available at <https://www.gov.uk/government/consultations/higher-education-living-cost-support-eu-nationals-residency-requirements> until the consultation closes. This form includes questions on demography and equality.

This form can be submitted by email to: [he.consult@bis.gsi.gov.uk](mailto:he.consult@bis.gsi.gov.uk) or by post to:

The Department for Business, Innovation and Skills,  
Personal Eligibility Team,  
1<sup>st</sup> Floor St Pauls Place,  
125 Norfolk St,  
Sheffield  
S1 2FJ



Which of the following categories best describe you/your organisation?

	Higher Education Institution
	Central government
	Charity or social enterprise
	Individual
	University Mission Group/Representative Body
	Legal representative
	Local Government
	Other Educational Body
	Business
	Students Union or Other Students Representative Group
	Other (please describe)

**1. Do you agree that access to the living cost support should be based on whether EU nationals have lived in the UK for 5 years?**

Yes       No       Not sure

**Can you supply any additional information in support or against this extension?**

**2. Do you think the policy proposal will have any equality implications and affect groups with protected characteristics?**

Yes       No       Not sure

**If yes, can you provide specific details?**

**3. Do you think that this extension to a five year residency requirement should also be applied to UK nationals for the purposes of applying for living cost support?**

Yes       No       Not sure

**Can you supply any additional information in support of this view?**

**4. Do you have any other comments on the proposals within this consultation document?**

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

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