

Department for Work and Pensions

DECISION MAKING AND APPEALS (PART OF STRATEGIC COMMUNICATIONS)

Decision Makers Guide

Volume 6

Amendment 47 – October 2016

1. This letter provides details on Amendment 47; the changes have already been incorporated in to the Intranet and Internet versions of the DMG.
2. PDF amendment packages are also available. These can be printed with the amended pages being reproduced in full. Each page will contain the amendment number in the footer

PDF amendment packages can be found on the **Intranet** at:

<http://intranet/1/lq/acileeds/guidance/decision%20makers%20guide/index.asp>

or on the **Internet** at the 'Amdt Packages' tab on the following link:

<http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

Note: When printing PDF packages set the print properties to Duplex/Long Edge in order to produce double sided prints.

3. Amendment 47 affects abbreviations and chapters 30 and 33. The changes:
 - DMG Chapter 30 - Incorporated Post Grad & Special Support Loan memo 19/16 (SI 2016/743).
 - DMG Chapter 33 - expands the guidance on payments from the independent living fund.
4. The last two amendment packages amending Volume 6 were
Amendment 45 [February 2016]
Amendment 44 [October 2015]
5. **For reference purposes Decision Makers may find it useful to retain deleted pages for a short period after the introduction of this package.**
6. If using a PDF amendment package remove the sheets as stated in the left hand column of the Remove and Insert table below and insert the new sheets as stated in the right hand column (note the record of amendments at the back of the Volume).

Remove

Statutory Instruments

SS (LP & Misc Amdts) Regs – WP (Emp O)
Des O 14 (2 pages)

Chapter 30

Conts 30154 – Conts Appendix 2 (4 pages)
30110 – 30125 (1 page)
30273 – 30390 (7 pages)

Chapter 33

Appendix 1 (1 page)

Insert

Statutory Instruments

SS (LP & Misc Amdts) Regs – WP (Emp O) Des
O 14 (2 pages)

Chapter 30

Conts 30154 – Conts Appendix 2 (4 pages)
30110 – 30125 (1 page)
30273 – 30390 (8 pages)

Chapter 33

Appendix 1 (1 page)

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The Social Security Lone Parents and Miscellaneous Amendments Regulations 2008 SI 2008 No. 3051	SS (LP & Misc Amdts) Regs
The Social Security (Loss of Benefit) Regulations 2001 No. 4022	SS (Loss of Benefit) Regs
The Social Security (Mariners' Benefits) Regulations 1975 No. 529	SS (Mariners' Ben) Regs
The Social Security (Maternity Allowance) (Work Abroad) Regulations 1987 No. 417	SS (MA) (Work Abroad) Regs
The Social Security (Maternity Allowance) Regulations 1987 No. 416	SS (MA) Regs
The Social Security (Maternity Allowance) (Earnings) Regulations 2000 No. 688	SS (MA) (Earnings) Regs
The Social Security (Maximum Additional Pension) Regulations 2010 No. 426	SS (MAP) Regs
The Social Security (Medical Evidence) Regulations 1976 No. 615	SS (Med Ev) Regs
The Social Security (Miscellaneous Amendments) Regulations 1997 No. 454	SS (Misc Amdts) Regs
The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 No. 652	SS (Misc Amdt) (No. 2) Regs
The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 No. 641	SS (Misc Amdt) (No. 2) Regs 2010
The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 No. 2425	SS (Misc Amdt) (No. 3) Regs 2011
The Social Security (National Insurance Number Information: Exemption) Regulations 1997 No. 2676	SS (NINO: Exemption) Regs
The Social Security (Overlapping Benefits) Regulations 1979 No. 597	SS (OB) Regs
The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 No. 664	SS (POR) Regs
The Social Security (Persons from Abroad) Miscellaneous Amendments Regulations 1996 No. 30	SS (PFA) Misc Amdt Regs 96
The Social Security Benefit (Persons Residing Together) Regulations 1977 No. 956	SS (PRT) Regs

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The Social Security (Reciprocal Agreements) Order 1995 No. 767	SS (RA) Order 95
The Social Security (Reciprocal Agreements) Order 1996 No. 1928	SS RA Order
The Social Security (Retirement Pensions etc.) (Transitional Provisions) Regulations 2005 No. 469	SS (RP etc) (Trans Provs) Regs
The Social Security (Severe Disablement Allowance) Regulations 1984 No. 1303	SS (SDA) Regs
The Social Security (Savings for Existing Beneficiaries) Regulations 1984 No. 1696	SS (SEB) Regs
The Social Security (State Pension and National Insurance Credits) Regulations 2009 No. 2206	SS (SP & NIC) Regs
The Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016 No. 743	SS (Treatment of Postgrad Master's Degree Loans and Special Support Loans) (Amdt) Regs 2016.
The Social Security (Unemployment, Sickness, and Invalidity Benefit) Regulations 1983 No. 1598	SS (U, S, & IVB) Regs
The Social Security (Widow's and Widower's Invalidity Pensions) Regulations 1978 No. 529	SS (W & W IVP) Regs
The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 No. 642	SS (WB & RP) Regs
The Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979 No. 643	SS (WB, RP & OB) (Trans) Regs
The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 No. 1926	SS (Wfl for lone parents) Regs
The Social Security (Work-focused Interviews) Regulations 2000 No. 897	SS (Wfl) Regs 00
The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendment) Regulations 2003 No. 455	SS (WTC & CTC) (Cons Amdt) Regs
The Statutory Sick Pay Regulations 1982 No. 894	SSP (Gen) Regs

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Education (Student Support) Regulations (Northern Ireland) Order SR 1999/192	Support (NI) Order
The Education (Student Support) Regulations	Support Regs
The Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003 No. 938	TC Comm No. 3 Order
The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 No. 2885	TP (FtT) (SEC) Rules
The Tribunal Procedure (Upper Tribunal) Rules 2008 No. 2698	TP (UT) Rules
The Workmen's Compensation (Supplementation) Scheme 1982 No. 1489	WC(S) Scheme
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Meaning of student and full-time student

General

30110 In both JSA and IS the DM must decide whether a person is a student. That broadly means a person who is attending or undertaking a F/T course. In JSA such a person is known as a F/T student¹.

1 JSA Regs, reg 1(3)

30111 For JSA and IS, a person who gets a training allowance (see DMG 20007 et seq) is not a student. A person who has reached pension age is not a student¹.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61

NHS funded students

Healthcare professionals

30112 NHS students may be undertaking a variety of healthcare professional courses e.g. nursing, midwifery, physiotherapy etc. To be eligible for an NHS bursary the student must be accepted for an NHS funded place. An NHS student undertaking a

1. diploma course may receive a non-means tested bursary. Such a student is not entitled to a student loan
2. degree-level course may be entitled to a means tested bursary and is eligible to apply for a student loan.

Return to practice courses

30113 Those taking part in refresher training known as 'return to practice' are students if they are undergoing a course of study at an educational establishment. Any allowances paid to such students over the duration of the course should be treated as grant income and taken into account as such (see DMG 30351).

New entrepreneur scholarships

30114 These scholarships have been developed to address the issue of entrepreneurs from deprived areas being given the chance to gain business management skills. Participants receive no funding for their business through the scholarships. Any payment made in respect of travel costs or books and equipment should be disregarded by DMs in the normal way (see DMG 30326).

30115 - 30120

General Social Care Council bursaries

30121 The General Social Care Council award two types of bursary which are

1. non-income assessed bursary known as social work bursary
2. additional graduate bursary.

Social work bursary

30122 This is a non-income assessed grant which is paid as an incentive to train. It consists of three elements, grant, tuition fees and a practice learning opportunity. The grant element is payable over 52 weeks at three rates depending on where the student lives. It is offered to both full and part-time students with part-time students receiving 50% of the grant. DMs should take the grant into account over 52 weeks¹ (see DMG 30351 et seq) disregarding² the items listed at DMG 30326 and DMG 30346³ as appropriate.

*1 JSA Regs, reg 131(4)(b); IS (Gen) Regs, reg 62(3)(b); 2 JSA Regs, reg 131(2); IS (Gen) Regs, reg 62(2);
3 JSA Regs, reg 131(3); IS (Gen) Regs, reg 62(2A)*

30123 Tuition fees are either paid in full or the balance that has not been met by the LA is paid direct to the University. DMs should disregard any amount paid for tuition fees¹ (see DMG 30326 1.).

1 JSA Regs, reg 131(2)(a); IS (Gen) Regs, reg 62(2)(a)

30124 Any amount payable to a student intended for travelling expenses should be disregarded¹.

1 JSA Regs, reg 131(2)(g); IS (Gen) Regs, reg 62(2)(h)

Additional graduate bursary

30125 This is paid to graduates on post-graduate courses who are in receipt of the social work bursary. It is an income assessed grant available to full-time students only. This bursary is paid for 30 weeks to cover the period of the course. There is also an additional days grant which is calculated weekly for courses that extend beyond 30 weeks. However where courses are for 45 weeks or more the bursary is automatically awarded for 52 weeks. Extra allowances may also be payable with the additional graduate bursary e.g. Adult Dependents Allowance and Parents Learning Allowance. These allowances are usually payable over 52 weeks.

2. throughout the three years before the first day of the course have been ordinarily resident in the
 - 2.1 UK if
 - 2.1.a the student is settled in the UK **or**
 - 2.1.b the student, their spouse, civil partner or their parent have been granted leave to remain by the HO.
 - 2.2 EEA if the student, their spouse, or their partner have established migrant worker status **and** their stay is not wholly or mainly to receive FTE.

1 Support Regs, Sch 1, SA (Scot) Regs, Sch 1

European Economic Area Nationals

- 30273 A student, who is an EEA national or the child of an EEA national, may be eligible for a student loan if¹
1. the conditions at DMG 30272 2. are satisfied **and**
 2. the course in
 - 2.1 England and Wales, is provided wholly or partly by an institution in England or Wales **or**
 - 2.2 Scotland, is at a Scottish establishment.

1 Support Regs, Sch 1, SA (Scot) Regs, Sch 1

Refugees

- 30274 A student may be eligible for a student loan if¹
1. they, their spouse, civil partner or parent are granted refugee status **and**
 2. from the time they are recognised as a refugee they are ordinarily resident in the UK **and**
 3. they satisfy the conditions at DMG 30272 1..

1 Support Regs, Sch 1, SA (Scot) Regs, Sch 1

30275 - 30280

Student loans treated as income

- 30281 Student loans are treated as income¹. Students are treated as possessing a student loan for an academic year where
1. a student loan has been paid to them for that year² **or**
 2. they could acquire a loan in respect of that year by taking reasonable steps to get one³.

Note: If there is a condition of entitlement to a student loan that could not be met by taking reasonable steps the DM should not treat the student as having a student loan. If, exceptionally, the DM needs advice on whether or not a student has taken reasonable steps to acquire a loan, refer the case to DMA Leeds.

*1 JSA Regs, reg 136(1); IS (Gen) Regs, reg 66A(1); 2 JSA Regs, reg 136(3)(a); IS (Gen) Regs, reg 66A(3)(a);
3 JSA Regs, reg 136(3)(b); IS (Gen) Regs, reg 66A(3)(b)*

Amount of loan

30282 The maximum amount that can be advanced to a student depends on

1. where the student is studying **and**
2. whether the student has reached the final year of the course **and**
3. whether the student lives in the parental home.

30283 Where in any academic year a student loan is made to a student, the DM should take into account as income

1. the maximum amount of student loan the student could get by taking all reasonable steps¹ to do so (even if the student applies for less than the maximum loan) **and**
2. unless an exception at DMG 30297 applies², the amount of any contribution whether or not it is paid to the student³.

*1 JSA Regs, reg 136(4)(a); IS (Gen) Regs, reg 66A(4)(a); 2 JSA Regs, reg 136(4)(a)(ii);
IS (Gen) Regs, reg 66A(4)(a)(ii); 3 JSA Regs, reg 136(4)(a)(i); IS (Gen) Regs, reg 66A(4)(a)(i)*

30284 Where a student loan has not been made for an academic year, the DM should take into account as income the maximum loan that the student could get if

1. the student took all reasonable steps to obtain the maximum amount¹ **and**
2. no deduction was made from the loan because of a means test².

*1 JSA Regs, reg 136(4)(b)(i); IS (Gen) Regs, reg 66A(4)(b)(i); 2 JSA Regs, reg 136(4)(b)(ii);
IS (Gen) Regs, reg 66A(4)(b)(ii)*

Postgraduate Master's Degree Loan

30285 A new postgraduate master's degree loan will be available for eligible full-time or part-time courses starting in September 2016. It will not be available to existing postgraduate master's students. Eligible students can apply for a loan of up to £10,000. The loan is not specifically paid for tuition fees and/ or maintenance costs, it will be paid directly to the student and it will be at the student's discretion what they use it for.

30286 Regulations¹ specify that 30% of the maximum postgraduate master's degree loan will be the costs taken into account in the calculation² of IS, ESA (IR) and JSA (IB). This figure reflects the amount which will typically be available to spend on maintenance costs, taking account of typical master's course tuition fees. If a claimant is eligible for a new postgraduate loan but has failed to take all reasonable

steps to acquire it they will usually be treated as if they are in receipt of the maximum postgraduate master's loan to which they would be entitled³. See DMG 30306 for an example of how to calculate student income for this type of loan.

1 SS (Treatment of Postgrad Master's Degree Loans and Special Support Loans) (Amdt) Regs 2016,

2 ESA Regs, reg 137(5A), IS (Gen) Regs, reg 66A(4A) & JSA Regs, reg 136(4A),

3 ESA Regs, reg 137(4)(b) and (4A), JSA Regs, reg 136(3)(b); IS (Gen) Regs, reg 66A(3)(b)

30287 - 30289

Disregards

30290 The amount of student loan to be taken into account under DMG 30283 and DMG 30284 should be reduced by¹ a fixed amount for

1. travel costs **and**
2. the cost of books and equipment

whether or not the student has to meet the cost of those items.

Note: See Appendix 2 to this Chapter for the amounts to be disregarded.

1 JSA Regs, reg 136(5); IS (Gen) Regs, reg 66A(5)

Example

Leslie is undertaking a P/T course of study for which she receives a loan of £500. After taking into account the disregards for travelling costs and books and equipment the DM fully disregards the loan.

30291 The disregard for books, travel and equipment applies only once in every academic year¹.

1 JSA Regs, reg 136(5); IS (Gen) Regs, reg 66A(5)

Disregard for fee loans

30292 In England and Wales changes to the student support system¹ mean that loans for course fees will be paid directly to the university or college. DMs should disregard² a loan for fees, known as a fee loan or a fee contribution loan paid under specified legislation³.

1 Support Regs, regs 17-21 & 31-32; 2 JSA Regs, reg 136B; IS (Gen) Regs, reg 66C;

3 Support (NI) Order, Art 3; T & HE Act 98, s 22; Ed (Scot) Act 80, s 73(f)

30293 - 30295

Assessed contribution

30296 The education authority may decide that the student, their spouse, civil partner, parents or parents' partner should contribute to the loan. The contribution is assessed according to the income of the student, their spouse, civil partner, parent

or parents' partner. The amount of loan awarded is then cut by the assessed contribution¹.

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

30297 The amount of contribution assessed by the education authority may not be paid to the student in part or in full. But the full amount of the contribution should still be treated as possessed by the student unless for

1. JSA¹, the student is entitled to a disability premium **or**
2. IS², the student is in a prescribed category of person because they are
 - 2.1 a lone parent **or**
 - 2.2 a lone foster parent **or**
 - 2.3 in relevant education³.

Note: Prior to 30.12.09 disabled and deaf students were included in DMG 30297 2.. In certain circumstances disabled and deaf students may still fall within DMG 30297 2.. For these savings provisions for prescribed categories of persons see DMG Chapter 20, Appendix 5.

1 JSA Regs, reg 130, reg 136(4)(a)(ii); 2 IS (Gen) Regs, reg 61(1), reg 66A(4)(a)(ii); 3 Sch 1B, para 15A

30298 - 30299

Calculation of weekly income

Course duration is for one academic year or less

30300 Where a student loan is made in respect of any academic year and the course is for one academic year or less, the student loan should be divided equally between the weeks in the period beginning with

1. the first benefit week that begins on or after the start of the academic year **or**
2. if the student starts attending the course in August or the course is for less than an academic years duration, the first benefit week that begins on or after the start of the course

and ending with the last benefit week that ends on or before the last day of the course¹.

1 JSA Regs, reg 136(2)(a); IS (Gen) Regs, reg 66A(2)(a)

Course duration more than one academic year, any year except final academic year

30301 Where a student loan is made in respect of an academic year that begins other than on 1 September the DM should divide the student loan equally between the period which

1. starts at the beginning of the first benefit week starting on or after the first day of the academic year **and**
2. ends on the last day of the last benefit week which ends on or before the last day of the academic year **and**

excludes any complete benefit weeks which fall entirely within the quarter where, in the opinion of the Secretary of State, the longest holiday period is taken¹.

Note: Quarter means² one of the periods in the academic year from

1. 1 January to 31 March **or**
2. 1 April to 30 June **or**
3. 1 July to 31 August **or**
4. 1 September to 31 December.

1 JSA Regs, reg 136(2)(aa); IS (Gen) Regs, reg 66A(2)(aa); 2 Support Regs, reg 2

30302 Where a student loan is made in respect of an academic year that begins on 1 September the DM should divide the student loan equally between the weeks in the period beginning with the earlier of the first day of the first benefit week

1. in September **or**
2. that begins on or after the first day of the autumn term

and ending with the last benefit week that ends on or before the last day of June¹.

1 JSA Regs, reg 136(2)(c); IS (Gen) Regs, reg 66A(2)(c)

30303

Final academic year, other than a course of one academic year or less

30304 Where a student loan is made in respect of a final academic year of a course of more than one year that begins other than on 1 September the DM should divide the student loan equally between the period beginning with

1. the first benefit week that begins on or after the start of the academic year **and**
2. ending with the last benefit week that ends on or before the last day of the course¹.

1 JSA Regs, reg 136(2)(b)(i); IS (Gen) Regs, reg 66A(2)(b)(i)

30305 Where a student loan is made in respect of a final academic year that begins on 1 September the DM should divide the student loan equally between the weeks in the period beginning with the first benefit week that begins on or after the earlier of

1. 1 September **or**
2. the first day of the autumn term

and ending with the last benefit week that ends on or before the last day of the course¹.

1 JSA Regs, reg 136(2)(b)(ii); IS (Gen) Regs, reg 66A(2)(b)(ii)

Disregard

30306 When the weekly amount has been calculated the DM should disregard up to £10 a week. This is subject to the overall limit on the disregarded income of students (see DMG 30391).

Example 1

Dilip is attending a course which lasts for less than a year. The course starts on 9.12.02 and ends on 18.4.03. He is a Tuesday BWE. He has a student loan which, after deducting the appropriate disregards, is taken into account from 11.12.02 until 15.4.03.

Example 2

Martha starts the final year of her course on 7.10.02 and ends it on 6.6.03. She is a Thursday BWE. The DM takes her student loan into account from 6.9.02 until 5.6.03 after deducting the appropriate disregards.

Example 3

Ellis is in his second year of a course. The autumn term begins on 14.10.02. Ellis is a Monday BWE. The DM takes his student loan into account, after deducting the appropriate disregards, from 3.9.02 until 30.6.03.

Example 4

Nasser's university course starts on 13.1.03. The main holiday period is between 30.6.03 and 12.10.03. He is a Wednesday BWE. After deducting the appropriate disregards the DM calculates the weekly income by dividing the loan equally between the periods 2.1.03 to 2.7.03 and 28.8.03 and 31.12.03. The DM takes the weekly amount into account from 16.1.03 because Nassar does not become a student until 13.1.03.

Example 5 (postgraduate master's degree loans)

Julia is in receipt of IS as a lone parent, she is responsible for her 1 year old daughter who lives with her. On 5.9.16 Julia begins a full-time postgraduate master's degree in Health and Social Care. The course will last for one year and she successfully applies for a new loan of £10,000. Julia remains entitled to IS as a prescribed person when she begins her full-time course of study¹. The amount of student income for IS purposes is calculated as follows:

Step 1: calculate the annual amount of the loan - £10,000 - £7,000 = £3,000 (30% of the new loan)

Step 2: deduct a fixed amount per academic year for travel costs and the cost of books and equipment² - £3000 - £303 - £390 = £2307

Step 3: divide the figure in step 2 equally between the weeks in the period beginning with the first benefit week that begins on or after the start of the academic year, and ending with last benefit week that ends on or before the last day of the course³. In this example this will be 52 weeks - £2307 ÷ 52 = £44.36

Step 4: deduct the general weekly disregard⁴ - £44.36 - £10 = £34.36

This means that for IS purposes, Julia will have a weekly student income of £36.36.

*1 IS (Gen) Regs, reg 4ZA(3)(b), Sch 1B, para 1; 2, reg 66A(5); 3 reg 66A(2)(a);
4 reg 66A(2)(c)*

Note: A student loan should not be taken into account until the student commences their course of study because prior to this day they are not a student. As the weekly amount is calculated by apportioning the loan to full benefit weeks it should similarly be attributed to full benefit weeks.

30307 - 30309

Student from Northern Ireland

30310 A student from Northern Ireland may be eligible for a student loan under Northern Ireland law¹. The qualifying conditions are the same as in the rest of the UK. Treat any loan for which the student is eligible in the same way.

1 Education (Student Loans) (Northern Ireland) Order 1990, art 3

30311 - 30314

Grants

30315 A student may receive a grant from a number of different sources. Grants, bursaries or allowances etc may be paid in respect of various types of study such as Nursing and Teacher training.

30316 Students who are paid under specific law¹ may be entitled to supplementary grants

1. for extra costs incurred because they are disabled students²
2. to prevent hardship, for weeks during the long vacation that the student is not attending the place of study³. These grants can be paid to students under the age of 21 at the start of their course and who have been in the care of the LA.
3. towards fees⁴
4. for childcare⁵

5. for living costs⁶
6. for adult dependants⁷
7. for Parents' Learning Allowance⁸.

Note: This list is not exhaustive.

1 Student Support Regs 2005; 2 reg 14; 3 reg 15; 4 reg 11; 5 reg 18; 6 reg 13; 7 reg 17; 8 reg 19

30317 - 30325

Amount of grant income

Initial disregard

[See DMG Memo JSA/IS 64]

- 30326 The DM should disregard from the student's grant income any payment
1. intended to meet tuition or examination fees¹
 2. intended to meet additional expense a disabled student has for attending a course²
 3. intended to meet additional expenses connected with term time residential study away from the student's educational establishment³
 4. on account of the student maintaining a home at a place other than where they live during the course⁴
 5. on account of any other person if⁵ that person lives outside the UK and there is no applicable amount for them
 6. intended to meet the cost of books and equipment⁶
 7. intended to meet travel expenses caused by the student's attendance on the course⁷
 8. intended for the maintenance of a child dependant⁸
 9. intended for the child care costs of a child dependant⁹
 10. of higher education bursary for care leavers made under specified legislation¹⁰.

Note: DMG 30326 4. applies only to the extent that the student's rent is not met by HB.

*1 JSA Regs, reg 131(2)(a); IS (Gen) Regs, reg 62(2)(a); 2 JSA Regs, reg 131(2)(b); IS (Gen) Regs, reg 62(2)(c);
3 JSA Regs, reg 131(2)(c); IS (Gen) Regs, reg 62(2)(d); 4 JSA Regs, reg 131(2)(d); IS (Gen) Regs, reg 62(2)(e);
5 JSA Regs, reg 131(2)(e); IS (Gen) Regs, reg 62(2)(f); 6 JSA Regs, reg 131(2)(f); IS (Gen) Regs, reg 62(2)(g);
7 JSA Regs, reg 131(2)(g); IS (Gen) Regs, reg 62(2)(h) 8 JSA Regs, ref 131(2)(h); IS (Gen) Regs, reg 62(2)(i);
9 JSA Regs, reg 131(2)(i); IS (Gen) Regs, reg 62(2)(j);
10 JSA Regs, reg 131(2)(j); IS (Gen) Regs, reg 62(2)(k); Children Act 1989, Part III*

- 30327 Disregard amounts under DMG 30326 only if the grant is specifically intended to be used for one of those purposes.

Higher education grant

- 30328 The Higher Education Grant¹ was introduced in September 2004. A student qualified for this grant if he began the designated course on or after 1 September 2004. The grant is to defray the cost of books, equipment, travel or childcare for the purpose of attending that course. DMs should disregard² the amount of Higher Education Grant paid to an existing student.

1 Support Regs, reg 52; 2 JSA Regs, reg 131(2); IS (Gen) Regs, reg 62(2)

Special support grant (England and Wales only)

- 30329 The Special Support Grant¹ was introduced from 1 September 2006. The grant is to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course. DMs should disregard² the amount of Special Support Grant paid to students from 1 September 2006 if it falls within the disregards listed at DMG 30326.

1 Support Regs 2006, reg 50; 2 JSA Regs, reg 131(2); IS (Gen) Regs, reg 62(2)

Special Support Loan (England only)

- 30330 Special Support Grants are intended to meet the cost of books, equipment, travel expenses and childcare, and so can be fully disregarded under existing legislation - DMG 30329 refers. From the beginning of the 2016/17 academic year, Special Support Loans will replace Special Support Grants¹ for new students. Regulations (2-5) amend existing legislation² to provide that the Special Support Loan can also be disregarded.

*1 Support Regs 2011 (S.I. 2011/1986), reg 68;
2 ESA Regs, reg 64B, IS (Gen) Reg, reg 66D, JSA Regs, reg 136Cs*

30331 - 30340

Disregards for students with child care responsibilities

[See DMG Memo JSA/IS 64]

- 30341 In England and Wales, a Parents Learning Allowance is available to F/T students with child care responsibilities. DMs should disregard this allowance in full¹.

1 JSA Regs, reg 131; IS (Gen) Regs, reg 62

30342 - 30345

Extra disregards

30346 Where a student does not have a student loan and is not treated as having a student loan, the DM should disregard from the grant a fixed amount¹ for

1. travelling expenses **and**
2. books and equipment.

Note: These disregards apply whether or not the student spends that amount on those items. See Appendix 2 to this Chapter for the amounts to be disregarded.

1 JSA Regs, reg 136(5); IS (Gen) Regs, reg 62(2A)

Example 1

Georgia is a student nurse attending a diploma course. She is not entitled to a student loan. She receives a NHS bursary which includes £200 for travelling expenses but no additional amount for books and equipment. The DM disregards a total, of £779 from Georgia's allowance. This is made up of an amount awarded specifically to meet travelling expenses - £200; extra disregard for travelling costs - £260 (2001/2002); extra disregard for books and equipment - £319 (2001/2002).

Example 2

Isobella is a student teacher completing her last year of teacher training in a school. She receives a training bursary which does not specifically include any amount for travelling costs or books and equipment. She is not entitled to a student loan. The DM disregards a total of £579 from Isobella's income. This is made up of extra disregard for travelling costs - £260 (2001/2002) extra disregard for books and equipment - £319 (2001/2002).

30347 The disregard for books, travel and equipment applies only once in every academic year¹.

1 JSA Regs, reg 131(3); IS (Gen) Regs, reg 62(2A)

30348 - 30350

Period over which grant income taken into account

30351 The amount of grant income to be taken into account should be spread equally over the relevant period. The length of that period depends on

1. what elements of grant are involved **and**
2. whether the grant is paid for the period of study.

Dependant and lone parent grants

30352 **[See DMG Memo JSA/IS 64]** The DM should take these grants into account

1. for the same period as the loan **or**
2. for the period a loan would have been taken into account had the student taken reasonable steps to get one¹.

1 JSA Regs, reg 131(5A), IS (Gen) Regs, reg 62(3B)

Example

Gregg is a student with two children who started his course in September 2000. He receives a loan for living expenses. He is also entitled to an extra amount for the children and because he is a lone parent, this is a non-repayable grant. The DM takes the extra grant income into account for the same period as the loan.

30353 - 30360

NHS dependant grants

30361 **[See DMG Memo JSA/IS 64]** A grant or bursary paid for dependants, under relevant law¹, to an NHS student should be taken into account over

1. 52 weeks **or**
2. 53 weeks, if there are 53 benefit weeks (including part-weeks) in the year².

Note: These grants are apportioned over the number of benefit weeks in the year rather than over the period of study.

1 Health Services and Public Health Act 1968, s 63(6); 2 JSA Regs, reg 131(5), IS (Gen) Regs, reg 62 (3A)

Students who started their course of study before 1.9.98

30362 A grant awarded under specific law¹ to a student who started the course of study before 1.9.98 may include additional amounts for

1. the maintenance of one or more dependants, including adult dependants **or**
2. a lone parent.

1 Award Regs 1999

30363 The DM should take these elements into account from the first day of the period of study for¹

1. 52 weeks **or**
2. 53 weeks, if there are 53 whole or part benefit weeks in the year.

1 JSA Regs, reg 131(5), IS (Gen) Regs, reg 62(3A)

Other grant income

30364 Other grant income should be taken into account equally between the weeks in the period

1. of study, where it is paid for the period of study **or**
2. for which it is payable.

Period of study for grant income purposes

30365 Period of study has two different meanings. One for grant income purposes¹ and one for eligibility² (see DMG 30218 - 30219). DMs should not confuse the two definitions.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61(1); 2 JSA Regs, reg 4; IS (Gen) Regs, reg 2(1)

30366 For grant income purposes¹, each year of a course has a separate period of study. That period

1. starts with
 - 1.1 the first day of the course, in the first or only year **or**
 - 1.2 the first day of that years course, in any later year **and**
2. ends with
 - 2.1 the last day of the course, in the last or only year **or**
 - 2.2 the day before the summer holiday, where the grant is not for study throughout the whole year **or**
 - 2.3 the day before the start date of the next years course where
 - 2.3.a the grant is for study throughout the year **or**
 - 2.3.b if the student does not have a grant, where a loan would have been assessed as payable throughout the year.

1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 61(1)

Example

Jenny is on a standard three year degree course commencing in the Autumn. Her grant is not for study throughout the whole year. She has three periods of study. These are

1. the first year - the first day of the course to the day before the summer holiday separating the first and second years
2. the second year - the first day of that years course to the day before the summer holiday separating the second and third years
3. the third (final) year - the first day of that years course to the last day of the course.

Last day of course

30367 For IS and JSA the last day of the course means¹ the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled.

30368- 30370

1 JSA Regs, reg 130; IS (Gen) Regs, reg 61(1)

Grant payable for period of study

30371 Grant income may be payable for the period of study. If so the DM should take the income into account equally between the weeks in the period beginning with the first benefit week that begins on or after the first day of the period of study and ending with the last benefit week which ends on or before the last day of the period of study¹.

1 JSA Regs, reg 131(4)(a); IS (Gen) Regs, reg 62(3)(a)

Sandwich course

30372 Where a student is on a sandwich course, any periods of experience should be excluded from the period of study. Grant income is then spread equally between the weeks in the period beginning with the benefit week that begins on or after the last day of the period of experience and ends with the last benefit week which ends on or before the last day of the period of study¹.

1 JSA Regs, reg 131(6); IS (Gen) Regs, reg 62(4)

Grant not payable for period of study

30373 Grant income may be awarded for a specific period. In these cases the grant income should be taken into account equally between the weeks in the period beginning with the first benefit week that begins on or after the first day of the period for which the grant is payable and ending with the last benefit week which ends on or before the last day of the period for which the grant is payable¹.

1 JSA Regs, reg 131(4)(b); IS (Gen) Regs, reg 62(3)(b)

30374 - 30380

Access funds

30381 **[See DMG Memo JSA/IS 64]** Students who are in financial difficulties may receive payments from access funds (see DMG 30087). Treatment of these payments depends upon

1. when the payment is made

2. what the payment is intended for **and**
3. whether the payment is a
 - 3.1 regular payment **or**
 - 3.2 single lump sum.

30382 The DM should fully disregard an access fund payment where it is made¹

1. before the first day of the course in anticipation of the person becoming a student **or**
2. on or after the earlier of
 - 2.1 1 September **or**
 - 2.2 the first day of the course **and**
 - 2.3 the student loan has not been received **and**
 - 2.4 the payment is intended to help them manage financially until they receive their loan.

1 JSA Regs, reg 136A(4), IS (Gen) Regs, reg 66B(4)

Regular payments

30383 Any access fund payment should be fully disregarded unless it is intended and used for

1. food
2. ordinary clothing or footwear
3. household fuel
4. rent for which HB is payable
5. housing costs met in the applicable amount
6. council tax
7. water charges.

Note: The DM should disregard £20 from any payments that are intended and used for the above items. This is subject to the overall limit on disregarded income¹ (see DMG 30391 et seq).

1 JSA Regs, reg 136A(3), IS (Gen) Regs, reg 66B(3)

Lump sum payments

30384 Any lump sum payment from an access fund should be treated as capital¹.

1 JSA Regs, reg 138(2), IS (Gen) Regs, reg 68(2)

30385 Where a lump sum payment is intended and used for items other than those listed at DMG 30383 the DM should disregard the capital for 52 weeks from the date of payment¹.

1 JSA Regs, reg 138(3); IS (Gen) Regs, reg 68(3)

30386 - 30390

Appendix 1

Payments or awards (see DMG 33629 (3.1))

Payments or awards which can affect whether an absent parent is liable for contributions to maintenance

- IB
- MA
- AA
- SDA
- CA
- DLA
- WTC
- SSP
- SMP
- IIDB
- CAA
- W DisP
- ESDA
- Civilian War Injury Pension
- Severe Disablement Occupational Allowance
- Payments from the Independent Living Fund (see note)
- PIP
- AFIP.

Note: the Independent Living Fund (2006) closed on 30.6.15 with some funding responsibilities transferring to LA's in England, the Welsh Independent Living Grant in Wales and the Independent Living Fund Scotland for Northern Ireland and Scotland. Please contact DMA Leeds for advice if a claimant receives funding from any of these replacements.

