

Chapter H6: Students & Student Income

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Chapter H6: Students & Student Income

Students - general

Introduction

- H6001 This Chapter deals with students claiming UC in respect of
1. receiving education (see H6025)
 2. the meaning of F/T courses (see H6047)
 3. financial support – loans and grants, including the calculation and treatment of student income (see H6077 et seq).

H6002 – H6004

Definitions and meaning of terms

Meaning of the long vacation

- H6005 The long vacation is the period of no less than one month which, in the opinion of the DM, is the longest vacation during a course which is intended to last for two or more years.

1 UC Regs, reg 68 (7)

Student loan

- H6006 A student loan¹ is a loan towards a student's maintenance under specified law². The Student Loans Company administers student loans (in Scotland, it is the Student Awards Agency for Scotland). The DM should ignore any loan paid in respect of tuition fees or fee loans.

1 UC Regs, reg 68(7); 2 T & HE Act 98, s 22; Ed (Scot) Act 80, s 73; Ed (Student Support) (NI) Order 98, Article 3

- H6007 In Scotland only, a 'Young Student's Bursary' may be paid under specified law¹. The DM should treat such a payment in the same way as a student loan.

1 UC Regs, reg 68(7); SA (Scot) Regs 07, reg 4(1)(c)

Meaning of grant

- H6008 Grant means any kind of educational grant or award, other than
1. a student loan or

2. a payment made under a scheme to enable persons under the age of 21 to complete courses of education or training which are non-advanced education¹.

Note: Grant income includes any payment derived from Access to Learning Funds (or equivalents).

1 UC Regs, reg 68 (7)

H6009 – H6024

Receiving education

H6025 A basic entitlement condition (see ADM chapter E1013 for full list of conditions) for receiving UC is that the person is not receiving education.

Meaning of Receiving education

H6026 A qualifying young person (see ADM chapter E2092) is to be treated as receiving education¹, for the basic condition under specified legislation².

1 UC Regs, reg 12(1); 2 WR Act 12, s 4(1)(d)

H6027 Except in circumstances where a qualifying young person is participating in a traineeship or a relevant training scheme for those claimants in a digital (full) service area, receiving education means undertaking

1. a F/T course of advanced education **or**
2. any other F/T course of study or training at an educational establishment for which a student loan or grant is provided for a person's maintenance¹.

1 UC Regs, reg 12(2)

H6028 A claimant who is not

1. a qualifying young person **and**
2. undertaking a course as described within H6027 **1.** or **2.**

is still to be treated as receiving education if they are undertaking any course of study or training that is not compatible with any work-related requirement imposed on them¹.

1 UC Regs, reg 12(4)

Meaning of course

H6029 A course is an arrangement of study, tuition or training. It can be academic, practical, or a combination of both. It is usually done at, or by arrangement with, an education or training establishment.

H6030 It will often lead to a qualification when it is completed. Some non-advanced study, tuition or training, may not lead to a qualification. This does not mean that it is not a course.

Meaning of course of advanced education

H6031 A course of advanced education¹ means

1. a course of study leading to a
 - 1.1 postgraduate degree or comparable qualification
 - 1.2 first degree or comparable qualification
 - 1.3 diploma of higher education
 - 1.4 higher national diploma **or**
2. any other course of study of a standard above that of
 - 2.1 advanced GNVQ or equivalent
 - 2.2 GCE advanced level (A level)
 - 2.3 a Scottish national qualification (higher or advanced higher).

1 UC Regs, reg 12(3)

Relevant Training Scheme

H6032 Relevant training scheme means:

1. a traineeship **or**
2. a course or scheme which
 - 2.1 comprises education or training designed to assist a claimant to gain the skills needed to obtain paid work (or more paid work or better-paid work) **and**
 - 2.2 is attended by a claimant in the AWRR group¹ as a work preparation requirement or as a voluntary work preparation, **and**
 - 2.3 the claimant has been referred to by the Secretary of State.

1 WR Act 12, s 22,

Note 1: Relevant Training Schemes only apply to UC awards in digital (full) service areas. See ADM Chapter M5 for more information.

Note 2: See ADM chapter J2 for more information on the work-related groups and chapter J3 for work-related requirements

Traineeship

H6033 Traineeship means¹ a course which

1. is funded (in whole or in part) by, or under arrangements made by, the
 - 1.1 Secretary of State under specified legislation² **or**
 - 1.2 Chief Executive of Education and Skills Funding **and**
2. lasts no more than 6 months **and**
3. includes training to help prepare the participant for work and a work experience placement **and**
4. is open to persons who on the first day of the course have reached the age of 16 but not 25.

1 UC Regs, reg 12(1B); JSA Regs 13, reg 45(1A); 2 Education Act 2002, s.14

Traineeships and Relevant Training Schemes – qualifying young person

H6034 Many young claimants are able to retain entitlement to UC and JSA whilst participating in Traineeships, or Relevant Training Schemes in digital (full) service areas, but some 16 to 19 years olds cannot.

H6035 Traineeships are described as non-advanced education. So if the learning within these Traineeship programmes is taught in a school, college or an approved equivalent, and the average time spent during the term time in receiving tuition, engaging in practical work and supervised study or taking examinations exceeds 12 hours per week, then participants between 16 and 19 are treated as qualifying young people and are deemed to be receiving education (see ADM H6026 et seq for UC and ADM R2559 et seq for JSA). As a result, they would not be entitled to UC or JSA unless they qualified under the exception rules in ADM E1024.

Note: In order to fall within the definition of qualifying young person, a person aged 19 must have been enrolled on or accepted for the relevant course before 1st September following their 19th birthday (ADM E2092 2.)

H6036 An exception is made to H6027, that a young person who is participating in a Traineeship, or a Relevant Training Scheme in a digital (full) service area, is not to be treated as receiving education, and so may satisfy the education condition in UC and JSA¹.

1 UC Regs, reg 12(1A); JSA Regs, reg 45(1)

Example

Pawel is aged 18 and has an award of UC. He lives in a digital (full) service area. Pawel is a QYP in the AWRR group. He is undertaking a number of training courses as directed by his work coach under the Youth Obligation scheme. As Youth Obligation training falls within the definition of a “relevant training scheme”, Pawel is not deemed to be ‘receiving education’, so does not fall foul of the ‘education condition’ and is able to claim UC.

Meaning of undertaking a course

H6037 A person is regarded as undertaking a course of education, study or training¹

1. throughout the period
 - 1.1 beginning on the date on which the person starts undertaking the course **and**
 - 1.2 ending on the last day of the course or on such an earlier date (if any) as the person finally abandons or is dismissed from it **or**
2. where the person is undertaking a part of a modular course, for the period
 - 2.1 beginning on the day on which that part of the course starts **and**
 - 2.2 ending
 - 2.2.a on the last day on which the person is registered as undertaking that part **or**
 - 2.2.b on such earlier date (if any) as the person finally abandons the course or is dismissed from it.

1 UC Regs, reg 13(1)

H6038 The period referred to in H6037 includes¹

1. where a person has failed
 - 1.1 examinations **or**
 - 1.2 to successfully complete a module relating to a period when the person was undertaking a part of the courseany period in respect of which the person undertakes the course for the purpose of retaking those examinations or completing that module **and**
2. any period of vacation
 - 2.1 within the period specified in H6037 **or**
 - 2.2 immediately following that period except where the person has registered to attend or undertake the final module in the course **and**
 - 2.3 the vacation immediately follows the last day on which the person is to attend or undertake the course.

1 UC Regs, reg 13(2)

Modular course

H6039 For the purposes of H6037 and H6038, “modular course” means a course which consists of two or more modules. For the person to be considered by the educational establishment to have completed the course, all of the modules specified for that course have to be successfully completed¹.

1 UC Regs, reg 13(3)

Exceptions to being regarded as undertaking a course or training

H6040 A person is not regarded as undertaking a course or training for any part of the period described in H6037 if the person

1. has, with the consent of the relevant educational establishment, ceased to attend or undertake the course because they are ill or caring for another person **and**
2. has recovered from that illness or ceased caring for that person within the past year but has not yet resumed the course **and**
3. is not eligible for a student grant or student loan¹.

1 UC Regs, reg 13(4)

Note: Student Finance can continue where a student suspends their studies due to illness or has caring responsibilities for another person. This is at the discretion of the Student Loans Company and is aimed at encouraging students to resume their studies rather than drop out completely.

Example

Vivian is undertaking a full time course of advanced education which began in September. In December Vivian becomes ill and with the consent of his university, is allowed to temporarily suspend his studies whilst he recovers. Vivian continues to receive student finance. Vivian recovers from his illness in February of the next year and his student finance ends at the same time. He will not resume his studies until August, when his student finance will also be reinstated. Vivian claims UC in February and he is not precluded from claiming UC by the rules relating to receiving education.

Exceptions to the requirement not to be receiving education

H6041 A person does not have to meet the basic condition to not be receiving education¹ if

1. the person
 - 1.1 is undertaking a F/T course of study or training which is not a course of advanced education **and**
 - 1.2 is under age 21 or is 21 and attained that age whilst undertaking the course **and**
 - 1.3 is without parental support (as in ADM chapter E1021) **or**
2. the person is entitled to "AA"², DLA or PIP and has LCW **or**

3. the person is responsible for a child or a qualifying young person **or**
4. the person is a member of a couple, both of whom are receiving education and the other member is
 - 4.1 responsible for a child or qualifying young person **or**
 - 4.2 a foster parent with whom a child is placed **or**
5. the person is a single person and a foster parent with whom a child is placed **or**
6. the person has reached the qualifying age for SPC and is a member of a couple and the other member of that couple has not reached that age³.

1 WR Act 12, s 4(1)(d); 2 UC Regs, reg 2; 3 UC Regs, reg 14

Note: See ADM Chapter E2 where one member of a couple does not meet all the basic conditions.

Education maintenance allowance and the 16 - 19 Bursary Fund

H6042 Education maintenance allowance consists of means-tested payments paid under specific law¹ to support young people who remain in non-advanced education after the age of 16. Payments can be made for up to two years to support young people between the ages of 16 and 19, but in some cases an allowance may continue to be paid for up to three years between the ages of 16 and 20.

1 Education Act 1996, s 518; Ed (Scot) Act 80, s 49 & 73(f); F & HE (Scot) Act 92, s 12(2)(c) & 21; Education Act 2002, s 14 & 181

H6043 From September 2011 education maintenance allowance was replaced in England by payments from the 16 – 19 Bursary Fund¹.

1 Education Act 2002, s 14

H6044 Payments made under H6042 or H6043 are excluded from within the definition of a grant. For UC purposes, the DM should disregard such payments as being treated as student income.

H6045 – H6046

Meaning of F/T course

General

H6047 Within the definition of receiving education (see H6026 – H6028) the word F/T precedes the reference to courses. Therefore, the DM has to consider whether the person receiving education is undertaking a F/T course.

H6048 The term F/T applies to the course itself and not to a person's attendance on it¹. It is the time spent by a notional reasonable student that is considered. A person who attends a F/T course on a P/T basis is still a student.

H6049 Each case must be decided on its facts¹. The DM must look at the sequence of studies and activities that make up the course itself. The nature of the course is not affected by²

1. a person's reasons for attending it **or**
2. a person's readiness to abandon it, for example, to accept an offer of employment **or**
3. what a particular person happens to be doing.

1 R(SB) 40/83; R(SB) 41/83; 2 R(SB) 2/91

H6050 In modular courses a sequence of studies is established once a person has decided which modules to take. This sequence can be distinguished from the work that the person is putting in at any given time.

H6051 When deciding whether a course is F/T, all of the studies and activities involved in it should be taken into account. This includes both supervised and unsupervised study and activity, whether done on or off educational premises.

H6052 Do not compare the total hours involved with what may be regarded as a full working week. One approach is to look at the total time the course might require of an average person receiving that same education. It may take up a substantial part of a week, after allowing for reasonable rest and recreation. The course might then be regarded as F/T.

H6053

Evidence from Educational Establishments

H6054 The term "educational establishment" is not defined, so must be given its ordinary everyday meaning. Schools, colleges and universities are clearly such places. But other less obvious places may also be included. For example, the training division of a large organisation specially set up for that purpose.

H6055 A person is attending an educational establishment if they are receiving

1. training
2. instruction **or**
3. schooling

in an organisation, or at an establishment, set up for any of those purposes.

H6056 The way educational establishments are funded may mean that they no longer classify courses as

1. F/T **or**
2. P/T.

H6057 Educational establishments may still classify courses or may be able to give an opinion on their nature. Accept evidence from the education establishment as conclusive, unless there is strong relevant evidence to the contrary¹.

1 R(SB) 40/83; R(SB) 41/83

H6058 – H6060

Other evidence

H6061 Educational establishments may be unable or unwilling to say whether a course is F/T or P/T. Or where a classification is provided the DM may consider it to be implausible or unreliable. DMs will then have to decide whether the course is F/T.

H6062 The DM should consider other evidence, including

1. the type of qualification aimed for
2. the number of hours a week normally required for successful completion of the course, including
 - 2.1 supervised study
 - 2.2 unsupervised study
 - 2.3 homework
 - 2.4 other work carried out on or off the college premises
3. the claimant's own hours of attendance and recommended hours of private study
4. the length of time normally required for successful completion of the course (for example three years)
5. how long the claimant will take to complete the course
6. how the course is funded
7. the course classification for other purposes, for example, grant or student loan awards
8. how the same course has been classified by the college in the past.

H6063 If the claimant is taking longer than normal to complete the course, it is an indication that the course is P/T¹.

1 R(SB) 41/83

H6064 A course may be designed for students to attend as and when they can. With such a course the DM should consider what is actually happening. If the course is F/T it is of no consequence that the student could have attended it P/T.

H6065 The course being taken may be new, or the nature of it may have changed. It may then be helpful to compare a similar course that is F/T, with the claimant's

1. length of study **and**

2. eventual qualification.

H6066 Do not give weight to the classification of the other course unless it is very similar to the claimant's course. Also, a classification given by the claimant's own educational establishment should normally be preferred to that given on similar courses by different educational establishment.

H6067 A list of the more common courses and their qualifications is included at Appendix 1 to this Chapter. Do not rely on it as evidence of the nature of a particular course. It is provided for information only.

H6068 – H6070

Number of hours involved

H6071 The DM must have regard to the hours involved. This includes both time spent

1. in receiving instruction or being supervised **and**
2. in private study.

H6072 The level of a course may affect the number of hours of attendance in supervised instruction or study. For example, a F/T advanced course may involve less attendance than a F/T non-advanced course.

H6073 In non-advanced courses, hours of supervised instruction or study usually form a larger part of the course. F/T advanced courses may involve only a few such hours. Do not consider that in isolation. Students may also have to put in many hours of private study.

H6074 – H6076

Financial support - loans and grants

NHS funded students

Healthcare professionals

H6077 NHS students may be undertaking a variety of healthcare professional courses e.g. nursing, midwifery, physiotherapy etc. Funding for such courses is dependant upon the type of qualification being completed and at which education establishment the course is being undertaken. Funding for NHS students is administered

1. in England, by the NHS Business Services Authority **and**
2. in Wales, by NHS Wales (Health in Wales) **and**
3. in Scotland, by the Student Awards Agency for Scotland.

Return to practice courses

H6078 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 H6141 et seq).

New entrepreneur scholarships

H6079 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.

Social Work Bursaries

H6080 The funding for social work bursaries may differ according to the type of qualification being completed and at which education establishment the course is being undertaken. Social work bursaries are administered

1. in England, by the General Social Care Council **and**
2. in Wales, by the Care Council for Wales **and**
3. in Scotland, by the Scottish Social Services Council.

H6081 This is a non-income assessed grant which is paid as an incentive to train. It consists of three elements: basic maintenance grant, tuition fees and a fixed amount towards practice learning opportunity (i.e. travelling expenses). The grant element is calculated by the relevant Authority (see H6080).

Additional graduate bursary

H6082 This is paid to post- graduates who are in receipt of the social work bursary. It is an income assessed grant available to F/T and P/T students and consists of a maintenance grant and allowances to assist with certain costs for living. Extra allowances may also be payable with the additional graduate bursary e.g. Adult Dependant's Allowance, Parent's Learning Allowance and Childcare Allowance. Further funding may also be available if there is a need for the student to extend or defer their placement.

H6083

Teacher training bursary

H6084 A person undertaking or attending teacher training is a student where a course of study is being undertaken at an educational establishment. Any award made as a direct result of their participation on the course should be treated as student income in the normal way (see H6141 – H6144).

H6085 – H6086

Open University students

H6087 Open University courses are not F/T and are normally followed at times that would fit in with employment. Most of the course material is studied and undertaken in the person's home and not at an educational establishment. However they are still undertaking a course of study¹. The DM should have regard to whether the course is compatible with the individual's expected hours of work (see ADM chapter J3050) and their work search requirement (see ADM chapter J3040). Any award made as a direct result of their participation on the course should be treated as student income in the normal way (see H6141 – H6144).

1 R(IS) 1/96

H6088 – H6090

Loans - eligibility

H6091 Loans are generally available to students on courses of higher/advanced education.

Qualifying courses

H6092 Courses must¹

1. last for at least one academic year or at least six weeks in the case of flexible postgraduate courses for teacher training **and**
2. be designated **and**
3. be at institutions receiving support from public funds.

1 Support Regs, reg 5(1); Education (Student Loans)(Scotland) Regs 07, reg 4(1)

H6093 A course is designated¹ if it is a

1. first degree course
2. course for the Diploma of Higher Education
3. course for the Certificate of Higher Education
4. course for the further training of youth and community workers
5. course for the Higher National Diploma or Higher National Certificate of BTEC or Scottish Qualifications Authority
6. course leading to an initial teacher qualification
7. course for which entry does not normally require a first degree (or equivalent) that
 - 7.1 is in preparation for a professional examination of a standard higher than
 - 7.1.a GCE A levels
 - 7.1.b Scottish highers

7.1.c BTEC and Scottish Qualifications Authority National Awards (as distinct from Higher National Certificate and Higher National Diploma) **or**

7.2 provide education of a standard higher than courses in **7.1** but not higher than a first degree course.

1 Support Regs, Sch 2; Education (Student Loans)(Scotland) Regs 07, Sch 2

H6094 Institutions receiving support from public funds means¹ that the monies are provided by Parliament. The **exception** to this is where the funds have been provided by a local council.

1 Support Regs, reg 2

H6095 A course is provided by an institution¹ if it supplies the teaching and supervision that makes up the course.

1 Support Regs, reg 5(4); Education (Student Loans)(Scotland) Regs 07, reg 4(5)

Personal eligibility

H6096 A student must be personally eligible as well as attending or undertaking a qualifying course. A student is eligible for a loan if

1. they meet the residence conditions¹ (see H6097) **and**
2. they have not received an award under certain NHS regulations² **and**
3. they are not eligible to receive an allowance under certain regulations³ **and**
4. they are not in breach of any obligation contained in a loan agreement⁴ **and**
5. after reaching age 18 they confirmed any loan agreement that was made while under that age⁵ **and**
6. they are not, in the opinion of the Secretary of State for Business, Innovation and Skills, unfit to receive support⁶.

Note: A student is only eligible for a loan on a single designated course, whether F/T or P/T, in any one academic year⁷.

1 Support Regs, reg 4(2); Education (Student Loans) (Scotland) Regs 07, reg 3(2)(a);

2 Support Regs, reg 4(3)(c); Education (Student Loans) (Scotland) Regs 07, reg 3(2)(d);

3 Education (Student Loans) Act 1990; Education (Student Loans) (NI) Order 1990;

4 Support Regs, reg 4(3)(d); Education (Student Loans) (Scotland) Regs 07, reg 3(2)(e);

5 Support Regs, reg 4(3)(e); 6 Support Regs, reg 4(3)(f);

Education (Student Loans) (Scotland) Regs 07, reg 3(3)(a);

7 Support Regs, reg 4(6); Education (Student Loans) (Scotland) Regs 07, reg 3(5)

Residence conditions

H6097 To satisfy the residence conditions a student must¹

1. be ordinarily resident in England, Wales or Scotland on the first day of their course **and**

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; Education (Student Loans) (Scotland) Regs 07, Sch 1

European Economic Area Nationals

H6098 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 H6097 **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; Education (Student Loans) (Scotland) Regs 07, Sch 1

Refugees

H6099 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 H6097 **1.**

1 Support Regs, Sch 1; Education (Student Loans) (Scotland) Regs 07, Sch 1

H6100 – H6105

Sandwich course

H6106 Maintenance loans are generally available for sandwich courses. They are available for the whole of the course, although may be paid at a reduced rate. Some students on unpaid placements may also be eligible for an element of maintenance grant, but this is income assessed.

H6107 A sandwich course is a course, other than a course of initial teacher training, or an academic year of a designated course that is an Erasmus year, made up of alternative periods of F/T study in an educational establishment and periods of work

experience. The F/T study must be for an average of not less than 18 weeks a year¹.

The average is worked out by dividing the total number of weeks of attendance by the number of years in the course. For this purpose, the course starts with the first period of F/T study and ends with the last period of F/T study.

Note: Erasmus is part of the European Union action programme.

1 Support Regs, reg 2(10); Education (Student Loans) (Scotland) Regs 07, reg 4(2) & 4(3)

Periods of work experience

H6108 Periods of work experience are associated with the F/T study but are done outside an educational establishment. The experience has to be

1. industrial **or**
2. professional **or**
3. commercial¹.

1 Support Regs, reg 2(1); Education (Student Loans) (Scotland) Regs 07, reg 4(4)(a)

H6109 If the course includes¹

1. the study of one or more modern languages for at least half the time spent studying **and**
2. periods of residence in a country whose language is a part of the course

then periods of work experience means any periods of overseas residence when the student is in gainful employment.

1 Support Regs, reg 2(1); Education (Student Loans) (Scotland) Regs 07, reg 4(4)(b)

Student unable to find placement

H6110 A student may not be able to find a placement in the period of work experience. This does not automatically mean that they have stopped being a student. The DM should consider whether the student has abandoned or been dismissed from the course (see H6145 et seq).

H6111 – H6115

Person treated as having student income

H6116 A person who is undertaking a course of education, study or training (within the meaning of H6037 to H6040) and has a student loan or a grant in respect of that course, is to be treated as having student income¹ in respect of

1. an assessment period in which the course begins **or**
2. in the case of a course which lasts for two or more years, an assessment period in which the second or subsequent year begins **or**

3. any other assessment period in which, or in any part of which the person is undertaking the course, excluding an assessment period
- 3.1 in which the long vacation (see H6005) begins, or which falls within the long vacation **or**
- 3.2 in which the course ends.

1 UC Regs, reg 68(1)

Example

Aisha is a single foster parent who has a foster child placed with her. She is undertaking a 2 year course. The relevant course dates are

Commencement date of Year 1 - 14.10.13

Commencement date of the long vacation - 18.07.14

Commencement date of Year 2 (final year) - 15.10.14

End date of Year 2 - 16.07.15.

Aisha is treated as having student income for the assessment periods as shown in the table below:

	Aisha makes a claim to UC 10.10.13	
Assessment period		Treated as having student income
10.10.13 to 09.11.13	First assessment period Includes course start date of 14.10.13	Yes
	Throughout the period whilst undertaking year 1	Yes
10.06.14 to 09.07.14	Last assessment period prior to start of long vacation	Yes
10.7.14 to 09.08.14	Includes start date of long vacation 18.07.14	No
10.08.14 to 09.09.14	Assessment periods during long vacation	No
10.09.14 to 09.10.14		No
10.10.14 – 9.11.14	Start date of year 2 15.10.14	Yes
	Throughout the period whilst undertaking year 2	Yes
10.6.15 – 9.7.15	Last assessment period prior to end of course	yes

10.7.15 – 9.8.15	Includes course end date of 16.07.15	No
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H6117 Where a person has a student loan, for any assessment period referred to in H6116, their student income is to be based on the amount of that loan¹.

1 UC Regs, reg 68(2)

H6118 Where the circumstances in H6117 apply, any grant in relation to the period to which the loan applies, is to be disregarded, except for

1. any specific amount included in the grant to cover payments which are rent payments, included as an amount of housing costs element in the award of UC¹ **or**
2. any amount intended for the maintenance of another person in respect of whom an amount is included in the award².

1 UC Regs, reg 68(3)(a); 2 reg 68(3)(b)

Example

George is a student with two children who starts his course in September 2013. He receives a maintenance loan. He is also entitled to an extra amount for the maintenance of his children, which is a non-repayable grant. As George receives both a student loan and a grant, the DM has to determine whether the conditions at **1.** or **2.** apply to George's grant. The DM determines the amount of the grant which is for the maintenance of his children (who are included within George's award of UC) and takes this amount into account along with George's student loan. George has no housing cost element included in his award of UC. Consequently the DM disregards any remainder of George's grant.

H6119 Where the circumstances in H6117 do not apply, the person's student income, for any assessment period in which they are treated as having that income, is to be based on the amount of their grant¹.

1 UC Regs, reg 68(4)

Example

Nina is a single parent with a disabled child. Nina receives a teaching bursary of £9000 payable for her course which lasts 36 weeks from 14.10.13 to 20.06.14. In this case, no student loan is awarded. After allowing the appropriate grant disregards in accordance with H6137, £6760 remains as the grant income to be taken into account. Step 1 of the calculation (see H6141) states that where the period of the course is less than a year, the amount to be determined is the amount of the grant in relation to the course i.e. £6760. Under step 2 (see H6142), there are 8 assessment periods in respect of the period of the course (excluding the assessment period in which the course ends (H6116)). Under step 3, the amount of the grant income £6760 is divided by the 8 assessment periods determined at step

2, providing a figure of £845. From this amount, the set disregard of £110 is deducted (step 4). This produces student income of £735, which is the amount to be taken into account within each assessment period.

H6120 A person is to be treated as having a student loan where they could have acquired such a loan by taking reasonable steps to do so¹.

1 UC Regs, reg 68(5)

Example

Alice did not apply for a student loan because she did not wish to repay the interest on such a loan. Instead she borrowed some money from a family friend who agreed to lend her the money interest-free. Alice could have received a student loan had she taken reasonable steps to do so. Therefore the full amount of what she could have acquired as a student loan would be the amount taken into account.

H6121 A training allowance is not student income¹.

1 UC Regs, reg 68(6) & reg 66(1)(f); E & T Act 73, s 2; Enterprise and New Towns (Scotland) Act 1990, s 2

H6122 – H6129

Calculation of student income

Student loans

H6130 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.

H6131 In accordance with H6117, a person's student income¹ is to be based on the amount of the student loan for a year, but see H6133 where the loan is for a postgraduate master's degree from September 2016 The amount to be taken into account is the maximum amount of student loan that the person could acquire in respect of that year, by taking reasonable steps to do so. This includes any increases for additional weeks.

1 UC Regs, reg 69(1)

H6132 For the purposes of calculating the maximum student loan¹ in H6131, it is to be assumed that no reduction has been made on account of

1. the person's means or the means of their partner, parent, or any other person
or
2. any grant made to the person.

1 UC Regs, reg 69(2)

Example

Joyce receives a maintenance loan of £3875. This amount has been reduced by £1625 because she also receives a maintenance grant of £3250. The DM determines that the maximum student loan that Joyce could have received is the amount of the loan awarded and the amount of the reduction i.e. £3875 + £1625 = £5500.

Postgraduate Master's Degree Loans

H6133 Postgraduate master's degree loans were introduced for eligible full-time or part-time courses starting in September 2016 for students living in England. The loan is not specifically paid for tuition fees and/ or maintenance costs. It is paid directly to the student and it will be at the student's discretion what they use it for. Eligible students can apply for a loan of up to:

1. £10,000 for courses that began in the 2016 – 17 academic year
2. £10,280 for courses that began in the 2017 – 18 academic year
3. £10,609 for courses that began in the 2018 – 19 academic year.

Note: for courses that began in the:

1. academic year 2016 -17, the loan is only paid in the first and second academic years of a course (£5,000 in each year), regardless of the total course length;
2. academic years 2017 onwards, the loan will be divided equally across each year of the course (typically in three installments of 33%, 33% and 34% for courses lasting three years for example).

H6134 For UC purposes, 30% of the maximum postgraduate master's degree loan will be the amount taken into account in the UC calculation¹. This figure reflects the amount which will typically be available to spend on maintenance costs, taking account of typical master's course tuition fees.

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

H6135 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 entitled to¹ for:

1. that academic year or
2. 2. where the course lasts for two or more academic years, the maximum amount that would be paid in each academic year (see note 2. at H6133).

H6136 A claimant who is undertaking a course in accordance with existing UC regulations¹, and receives the new postgraduate master's degree loan in relation to that course will be treated as having student income in respect of:

1. an assessment period in which the course begins **or**
2. in the case of a course which lasts for two or more years, an assessment period in which the second or subsequent year begins **or**
3. any other assessment period in which, or in any part of which the person is undertaking the course, excluding an assessment period;
 - 3.1 in which the long vacation begins, or which falls within the long vacation **or**
 - 3.2 in which the course ends.

1 UC Regs, reg 68(1)

Note: for any other type of student funding not covered by this guidance, please contact DMA Leeds for advice.

Grants

H6137 Where in accordance with H6119, a person's student income is to be based on the amount of a grant, the amount that is to be taken into account is the whole of the grant, but excluding any payment

1. intended to meet tuition or examination fees¹,
2. in respect of the person's disability²
3. intended to meet additional expenditure connected with term time residential study away from the person's educational establishment³
4. intended to meet the cost of the person maintaining a home at a place other than where they live during their course, except where the award of UC includes an amount for the housing costs element in respect of those costs⁴
5. intended for the maintenance of another person, but only if an award of UC does not include any amount in respect of that person⁵
6. intended to meet the cost of books and equipment⁶
7. intended to meet travel expenses incurred as a result of the person's attendance on the course⁷ **or**
8. intended to meet childcare costs⁸

*1 UC Regs, reg 70(a); 2 reg 70(b); 3 reg 70(c);
4 reg 70(d); 5 reg 70(e); 6 reg 70(f); 7 reg 70(g); 8 reg 70(h)*

Example

Molly is on a F/T PGCE course. She claims UC for herself and her 6 year old twins Lewis and Lorna, who both have special educational needs. In respect of her course, Molly receives the following awards

Tuition fee loan	£9000
Bursary	£15000
Parents' Learning Allowance	£1508
Childcare Grant	£255 per week

In order to determine the amount of Molly's grant income that is to be taken into account, the DM applies any disregards listed. The award of £9000 tuition fee is disregarded at sub-paragraph **1**. The childcare grant is disregarded at sub-paragraph **8**. Parents' Learning Allowance is to help with the cost of books, materials and travel expenses and is therefore disregarded under sub-paragraphs **6**. and **7**. Molly's children are included in her award of UC, consequently the disregard at sub-paragraph **5**. does not apply to any dependants' allowance paid within the bursary. The DM therefore determines that £15000 is the amount to be taken into account when calculating Molly's amount of student income as in accordance with H6140 et seq.

H6138 – H6139

Amount for an assessment period

H6140 The amount of a person's student income in relation to each assessment period, in which the person is to be treated as having student income in accordance with H6116, is calculated by using the following steps in H6141 to H6144.

Step 1

H6141 The first step is to determine

1. if the person has a student loan under H6117, the amount of the loan (and if applicable the amount of any grant) in relation to the year of the course in which the assessment period falls **or**
2. if the person has a grant under H6119, but no student loan, the amount of the grant in relation to the year of the course in which the assessment period falls¹.

Where the period of the course is less than a year, determine the amount of the grant or loan in relation to the course.

Example 1 - Indira

Indira is a lone parent who is undertaking a two year course from 8.10.13 to 10.7.15. She receives a student loan and grant for maintenance for herself and child. Indira claims UC on 10.9.13. Step 1 is to determine the amount of the loan in relation to the relevant year of the course in which the assessment period falls. Indira's first assessment period is 10.9.13 – 9.10.13. This assessment period falls within year 1 of the course, commencing 8.10.13. The DM calculates that £9000 is the full amount of student loan and grant that has been awarded to Indira in respect of year 1.

Example 2 - Imelda

Imelda is a disabled student. She receives a student loan of £8250 and a grant for £3000. She also receives 2 bursaries of £300 and £800 from the university where she studies, which are described as special support bursaries, to help with the cost of books, equipment, travel, study aids and other course related costs. As a loan is in payment as well as a grant, the DM must determine whether any of the grant is to be taken into account as income. The DM determines that neither of the conditions set out in H6118 apply to the grant payments and therefore disregards the grant of £3000 and the 2 bursary payments of £300 and £800. Imelda is undertaking a 1 year course which commences 16.9.13 and ends 4.7.14. Imelda makes a claim to UC on 10.4.14. As the period of the course is less than a year, the DM determines that the full amount of loan in relation to the course is £8250.

Example 3 - Alison

Alison is in receipt of UC and she begins a full-time postgraduate master's degree in Commercial Law on 5.9.16. The start of the course begins in the assessment period that begins on 1.9.16. The course will last for one year and she successfully applies for a new postgraduate master's degree loan of £10,000. The amount of the loan for UC purposes is $£10,000 - £7,000 = £3,000$ (30% of the new loan).

Example 4 - Rick

Rick is undertaking a postgraduate Sociology course which begins on 2.10.17. The course is part-time and will last for three academic years. The start of the course begins in the assessment period that begins on 2.10.17. The long vacation begins on 9.7.18 and the second academic term begins on 1.10.18. The long vacation following this term will begin on 15.7.19 and the third and final academic term will begin on 7.10.19. He has successfully obtained a postgraduate master's degree loan of £9,000. He will receive £3,000 in each academic year. The maximum amount of the loan for UC purposes is £10,280 and Rick will be assessed as receiving £3,392.40 in each of the first two years of the course and £3,495.20 in the third and final year. For the purposes of calculating his award of UC in step 2, 30%

of the maximum loan available for Rick will be £1,017.72 (for the first and second academic years, and £1,048.56 for the third and final academic year of the course..

H6142 The second step is to determine, in relation to

1. the year of the course in which the assessment period falls **or**
2. if the period of the course is less than a year, the period of the course

the number of assessment periods for which the person is to be treated as having student income under H6116¹.

1 UC Regs, reg 71, Step 2

Example 1 - Indira

Under step 2, the DM now calculates the number of assessment periods for which Indira is treated as having student income in respect of year 1. Under H6116, Indira's first assessment period 10.9.13 – 9.10.13 includes the course start date. Indira is therefore treated as having student income from that assessment period and throughout the period that she is undertaking year 1, until the assessment period 10.6.14 – 9.7.14. The next assessment period 10.7.14 – 9.8.14 is excluded as it contains the start date of the long vacation. The assessment period 10.8.14 – 9.9.14 is also excluded as this period falls within the long vacation (see H6116 **3.1**). Under step 2, the DM determines that Indira is treated as having student income for 10 assessment periods.

Example 2 - Imelda

Under step 2, the DM has to determine the number of assessment periods in relation to Imelda's period of the course. This is because the course duration is less than a year. The period of the course is 16.9.13 to 4.7.14. Imelda claims UC on 10.4.14, so the DM determines that Imelda's first assessment period is 10.4.14 – 9.5.14. By applying the criteria in H6116, the DM has to calculate the relevant assessment period which includes the start date of the course i.e. 16.9.13. The DM determines that the assessment period which includes this course start date is 10.9.13 – 9.10.13. Imelda is treated as having student income from that assessment period until the assessment period 10.5.14 – 9.6.14. Imelda is not treated as having student income for the assessment period 10.6.14 – 9.7.14 as this includes the course end date of 4.7.14. Under step 2, the DM determines that Imelda is treated as having student income for 9 assessment periods.

Example 3 - Alison

Under step 2, the DM has to determine the number of assessment periods in relation to Alison's period of the course. Under H6116, Alison's first assessment period 1.9.16 – 30.09.16 includes the course start date. Alison is therefore treated as having student income from that assessment period and throughout the period that she is undertaking the course, until the assessment period 1.8.17 – 31.8.16.

Under step 2, the DM determines that Alison is treated as having student income for 12 assessment periods.

Example 4 - Rick

Under step 2, the DM has to determine the number of assessment periods in relation to Rick's period of the course. Under H6116, Rick's first assessment period 2.10.17– 1.11.17 includes the course start date. Rick is therefore treated as having student income from that assessment period and throughout the period that he is undertaking the first year of the course. In this example Rick's long vacation begins on 9.7.18. Rick is therefore not treated as having student income for the assessment period 2.7.18 to 1.8.18. Under step 2, the DM determines that Rick is treated as having student income for 9 assessment periods in the first academic year.

Step 3

H6143 The third step is to divide the amount produced in H6141 by the number of assessment periods produced in H6142¹.

1 UC Regs, reg 71, Step 3

Example 1 - Indira

Under step 3, the DM divides the amount resulting from step 1 example 1 i.e. £9000 by the number of assessment periods resulting from step 2 example 1 i.e. 10. This provides a figure of £900

Example 2 - Imelda

Under step 3, the DM divides the amount resulting from step 1 example 2 i.e. £8250 by the number of assessment periods resulting from step 2 example 2 i.e. 9. This provides a figure of £916.67 (rounded up)

Example 3 - Alison

Under step 3, the DM divides the amount resulting from step 1 example 3 i.e. £3000 by the number of assessment periods resulting from step 2 example 3 i.e. 12. This provides a figure of £250.

Example 4 - Rick

Under step 3, the DM divides the amount resulting from step 1 example 4 i.e. £1017.72 by the number of assessment periods resulting from step 2 example 4 i.e.9. This provides a figure of £113.08 for the first two academic years in this example. For the third and final year the calculation will be $£1048.56 \div 9 = £116.51$ (rounded up).

Step 4

H6144 The fourth step is to deduct £110¹ for expenses.

Note: This figure is a set disregard to cover any expense.

1 UC Regs, reg 71, Step 4

Example 1 - Indira

Under step 4, the DM deducts £110 for expenses, leaving Indira with an amount of student income of $900 - 110 = £790$, which is in relation to each assessment period in which Indira is to be treated as having student income.

Example 2 - Imelda

Under step 4, the DM deducts £110 for expenses, leaving Imelda with an amount of student income of $916.67 - 110 = £806.67$, which is in relation to each assessment period in which Imelda is to be treated as having student income.

Example 3 - Alison

Under step 4, the DM deducts £110 for expenses, leaving Alison with an amount of student income of $250 - 110 = £140$, which is in relation to each assessment period in which Alison is to be treated as having student income.

Example 4 - Rick

Under step 4, the DM deducts £110 for expenses, leaving Rick with an amount of student income of $113.08 - 110 = £3.08$, which is in relation to each assessment period in which Rick is to be treated as having student income in the first two academic years of his course. In the third and final year, the calculation will be $116.51 - 110 = £6.51$, in relation to each assessment period in which Rick is treated as having student income.

Meaning of abandons

H6145 Abandons means total, final and permanent abandonment¹.

1 R(IS) 25/95

H6146 Merely deciding to give up a course is not enough. The claimant must have actually taken enough steps to ensure that their connection with the course is permanently severed. In cases of doubt ask for documentary evidence from the educational establishment.

H6147 A student may change from a F/T to a P/T course at the same educational establishment. This can be an abandonment of the F/T course. However the P/T course may be very similar to the old course.

H6148 Make sure that the course itself has changed and not simply the student's attendance on it. When considering whether one course has been abandoned in favour of another compare

1. the course as it was at the time the student started on it **and**

2. the course as it is now.

H6149 The DM should consider whether there has been any change in the

1. number of modules accessed or subjects taken
2. qualification being pursued
3. number of hours of tuition and study
4. length of the course
5. fees payable by the student.

H6150 The DM should also take into account

1. whether the course could be attended F/T or P/T under arrangements made originally with the educational establishment **and**
2. any information that may be gained from the prospectus of the educational establishment.

Meaning of dismissed

H6151 Dismissed means total, final and permanent ending of a person's participation on a course by the educational authorities. In cases of doubt ask for documentary evidence from the educational establishment.

Abandons or Dismissed

H6152 Where a student abandons or is dismissed from the course, they are no longer a student from that date. Student income will cease to be taken into account from the date of abandonment.

H6153 – H6999

Appendix 1

Common courses of study

BTECs

BTEC First Certificates and Diplomas

This is normally a one year programme and is considered equivalent to several GCSEs - the Certificate is usually studied P/T and the Diploma F/T.

BTEC National Certificates and Diplomas

This is normally a two year course and is considered equivalent to 2 or 3 A levels - the Certificate is usually studied P/T and the Diploma F/T.

BTEC Higher National Certificates and Diplomas

This is normally a two year course and is considered equivalent to a degree - the Certificate is usually studied P/T and the Diploma F/T.

GNVQs and NVQs

These are work-related qualifications introduced in 1993. They are gradually replacing existing BTEC qualifications in selected subjects. BTEC Firsts will be replaced by BTEC Intermediate, GNVQs and BTEC Nationals by BTEC Advanced GNVQs. NVQs/SVQs relate to existing qualifications as shown below

SVQ/NVQ level 2 = Intermediate GNVQ, BTEC and GCSEs

SVQ/NVQ level 3 = Advanced GNVQ, BTEC Nationals and A levels

SVQ/NVQ level 4 = BTEC Higher Nationals and Degrees.