

<i>C2</i>	<i>Student claims</i>
About this chapter .....	2.00
Full-time students .....	2.20
Students who can claim .....	2.30
Prescribed vulnerable groups.....	2.30
Identifying the period for which a person is classed as a full-time student .....	2.40
Students changing from full-time to part-time study .....	2.41
Students taking modular course .....	2.43
Student abandons or is dismissed from a course .....	2.50
Couples .....	2.60
Couple with two homes .....	2.61
Occupying accommodation as their home - HB only .....	2.70
Main purpose of occupation during period of study .....	2.70
Absence outside period of study .....	2.80
Absence due to hospitalisation .....	2.83
Absence in cases of students with partners .....	2.84
Accommodation rented from an educational establishment .....	2.90
Accommodation rented from an educational establishment during summer vacations .....	2.93
Rent paid to Housing Associations .....	2.94
Student income.....	2.110
Higher education .....	2.110
Assembly Learning Grant.....	2.111
Loan income .....	2.120
Student fee loans.....	2.123
Supplementary allowances .....	2.140
Discretionary awards .....	2.160
Childcare grant.....	2.162
Scotland.....	2.163
Northern Ireland.....	2.164
Higher Education Grant.....	2.165
Maintenance grant .....	2.167
Special Support Grant .....	2.170
Parents' Learning Allowance .....	2.174
Adult Learning Grant.....	2.175
Higher Education Bursary for care leavers .....	2.178
NHS students .....	2.180
Further education .....	2.190
England.....	2.191
Wales.....	2.195

### Contents

Assembly Learning Grant - Further Education .....	2.200
Northern Ireland .....	2.201
Scotland .....	2.202
Maintenance Support.....	2.203
Dependant's allowance .....	2.204
Two homes allowance .....	2.205
Study and travel expenses.....	2.206
Special needs allowance.....	2.207
Hardship Funds (previously known as Access Funds) .....	2.208
Young Students' Retention Fund.....	2.209
Childcare support .....	2.210
Treatment of student income.....	2.230
Allowances for extra living costs .....	2.260
NHS student income .....	2.270
Teacher's income .....	2.280
Incentive payments.....	2.281
Partners and parents of students .....	2.290
Student abandons or is dismissed from the course .....	2.300
Disregards .....	2.320
Loan disregard .....	2.320
Disabled Student Allowance.....	2.322
Second home grant .....	2.323
Part-time students .....	2.324
Childcare disregards .....	2.340
England and Wales .....	2.340
Scotland .....	2.343
Postgraduate students .....	2.350
Access Funds.....	2.360
'Return to practice' healthcare professionals in the NHS .....	2.390
Former students .....	2.420
Calculation of former student's income.....	2.430
Treatment of loan income paid quarterly when course not completed .....	2.430
Income Support/Jobseeker's Allowance .....	2.430
Housing Benefit/Council Tax Benefit.....	2.432
Treatment of loan income paid other than quarterly when course not completed.....	2.450
Glossary of terms used in this chapter .....	Annex A
Disregards .....	Annex B

---

## *C2 Student claims*

### *About this chapter*

- 2.00 This chapter deals only with student claims, and gives guidance on
- identifying full-time students who cannot claim Housing Benefit (HB) or Council Tax Benefit (CTB), see *Full-time students* later in this chapter
  - which students can claim HB or CTB, see *Students who can claim* later in this chapter
  - student income, including funding for
    - higher education (HE)
    - National Health Service (NHS)
    - further education (FE)
  - treatment of student income
  - postgraduate students
  - Access Funds
  - 'Return to practice' healthcare professionals in the NHS
  - former students

**Note:** The provisions for students do not apply to people who have reached the qualifying age for Pension Credit and whose HB/CTB claim is dealt with under the provisions of the HB & CTB (SPC) Regs 2003. Therefore, if a pensioner or their partner is a student, there will be no need to consider the student provisions.

- 2.01 How certain terms are defined and interpreted for Housing Benefit (HB) and Council Tax Benefit (CTB) purposes, eg student, course of study, educational establishment, is shown at *Annex A* at the end of this chapter.

2.02-2.19

2.20-2.30

## *Full-time students*

*HB Reg 53, 56 & 59; CTB Reg 43, 45 & 46*

2.20 Full-time students are

- treated as not liable to make payments for a home for HB. The powers to make regulations to prescribe who is liable or who is to be treated as not liable to make payments are in section 137(2)(h) of the Social Security Contributions Act 1992
- excluded from HB and CTB unless they are in one of the prescribed vulnerable groups, see *Prescribed vulnerable groups* later in this chapter

2.21 For HB/CTB purposes, a student is a person who is attending a course of study or a qualifying course at an educational establishment. Definitions of these (and other) terms is shown at Annex A at the end of this chapter.

2.22-2.29

## *Students who can claim*

### *Prescribed vulnerable groups*

2.30 Certain students in vulnerable groups can claim HB/CTB. This is in recognition of the additional difficulties they face in continuing with their education. They remain eligible because they are vulnerable, not because they are students. The vulnerable groups differ according to the type of benefit

- **lone parents** - students who have sole responsibility for, and get Child Benefit in respect of,
  - a
    - child aged under 16
    - young person aged 16-20
- **disabled** - students who
  - meet the conditions for the award of Disability Premium (DP) or the Severe Disability Premium (SDP). This includes a student who has been ill or incapable of work for a period of not less than 196 days), or
  - receive a Disabled Student's Allowance (DSA) because they are deaf
  - have had or have been treated as having limited capability for work for a period of not less than 196 days

continued

- (2.30) The Local Education Authority (LEA) should specify the disability for which a DSA was made. If it is unclear whether the DSA was awarded because of deafness, you can check with the relevant education authority or Department that made the award, or ask the claimant to provide confirmation.

*HB Reg 59 & 86; CTB Reg 46*

If it is clear from a full-time student's HB or CTB claim they have applied for a DSA because of deafness, but are awaiting a decision, and this is the only criterion that would give entitlement to HB or CTB, leave the final assessment of the benefit claim until the DSA decision has been made. If the student is awarded a DSA, pay the claim from the date HB or CTB claim was first claimed

- **Income Support** - students who are getting IS may claim for
  - HB **unless** they live in accommodation rented from their educational establishment, see *Accommodation rented from an education establishment* later in this chapter
  - main CTB if they are liable for the Council Tax
- **JSA(IB)** - for unemployed claimants who are able to study under the provisions of the Jobseeker's Allowance regulations 1996
- **income-related Employment and Support Allowance (ESA(IR))** - for students who are able to study under the provisions of the Employment and Support Allowance Regulations 2008
- **student couples with dependent child(ren)** - a student who is a member of a couple who are both full-time students with dependent child(ren)
- **lone foster parent** - students who have sole responsibility for a foster child or children boarded out with them by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, the Social Work (Scotland) Act 1968 (Foster Parents)
- **under age 21 years** - students who are aged under 21 years and who are following a course of further education that they began before reaching the age of 19. Further education is to be defined as any course of study not being a course of higher education described in Schedule 6 of the Education Reform Act 1988 or Schedule 1 to the Education (Student Loans) Act 1990. As soon as a student in this category reaches age 21 they are no longer entitled to HB under this provision
- **intercalating students** - students who

*HB Reg 56; CTB Reg 45*

- 1 at any time during an academic year, with the consent of the relevant educational establishment, ceased to attend or undertake a course because they were
  - a engaged in caring for another person, or
  - b ill, and
- 2 having stopped caring for that person or, having recovered from that illness, were not permitted to return to their course immediately, and
- 3 are not eligible for a grant or student loan for the period specified in HB Regulations 2006, regulation 56

### 2.31-2.40

2.31 These students can claim HB/CTB but only for the period from the date they stopped caring for that other person or recovered from that illness until

- they return to the course, or
- the start of the next academic year

whichever is the earlier

2.32 Ask intercalating students to provide evidence

- from their educational establishment
  - that the interruption is
    - ~ because of caring responsibilities or illness
    - ~ with the consent of the educational establishment
  - for the date from which they will allow the student to rejoin the course
- of their recovery from illness or the end of their caring responsibilities

### 2.33-2.39

## *Identifying the period for which a person is classed as a full-time student*

2.40 The period a person is regarded as a full-time student depends on the type of course they are doing

- **for a person attending or undertaking a part of a modular full-time course** - regard them as attending or undertaking a full-time course or on a sandwich course for the period
  - 1 beginning on the day that part of the course starts and ending on either
    - a the last day they are registered with the educational establishment as attending or undertaking that part as a full-time course of study, or
    - b the earlier date if they finally abandon the course or are dismissed from it
  - 2 that also includes any period of
    - a attending or undertaking the course for the purpose of retaking failed examination(s) or module(s) relating to a period when they were attending or undertaking a part of the course as a full-time student

continued

- (2.40)      **b** vacation within the period specified in **1** above, or immediately following that period, except when the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day they are required to attend or undertake the course
- **in any other case** - regard them as attending or undertaking a full-time course throughout the period beginning on the date they start attending or undertaking the course, and ending on the last day of the course or earlier date if they finally abandon or are dismissed from it

*Students changing from full-time to part-time study*

- 2.41      Students who start a full-time course of study are regarded as full-time until they complete the course, or are dismissed from, or abandon the course. If a student has to change their mode of study from full- to part-time for personal reasons, this usually means abandoning the full-time course to register on a part-time one.
- 2.42      Treat these students as
- having abandoned the full-time course
  - being eligible, subject to meeting all relevant criteria, to claim HB or CTB

*Students taking modular course*

- 2.43      Some students follow modular courses designed to enable students to study at their own pace. Full-time students who return as part-time students to retake examinations are still regarded as full-time students for HB and CTB purposes.
- 2.44      Ask students who tell you they are now studying part-time to confirm they are not retaking modules previously undertaken on a full-time course.
- 2.45      In practice, most students will study the modules on a continuous basis and be treated in exactly the same way as those students taking a more traditional course.

2.46-2.49

2.50-2.59

### *Student abandons or is dismissed from a course*

2.50 A student who abandons or is dismissed from a course of study is no longer a student for benefit purposes, and their claim should be reassessed on that basis. This means

- any loan instalment received that is voluntarily repaid by the student should be taken into account as income
- if the Student Loan Company demands instant repayment (because the instalment was paid after the student left the course) it should not be taken into account. Ask the student to provide evidence of this
- a notional assessment will be needed that shows what the income would have been had the student not left the course
- only the loan income that has actually been paid is taken into account. An actual assessment is needed
  - based on the instalments received and attributed to the period ending with the last complete benefit week at the end of the last quarter for which the instalment was payable
  - before adding any element of the dependant's allowances, apply disregards for
    - ~ travel
    - ~ books and equipment
  - if the resulting income figure on which HB is calculated is nil or a minus figure, there is no income to be taken into account
- the £10 disregard no longer applies to this income

2.51-2.59

## ***Couples***

- 2.60 If the claimant's partner is a full-time student but the claimant is not
- the claimant is eligible to claim HB and/or CTB for the couple. The student partner cannot make the claim. Although the student partner may be treated as not liable to make payments for a home, the non-student partner can be treated as liable. This allows the partner of a student to claim HB, even though the rent may be in the student partner's name  
*HB Reg 8*
  - you will need to assess the financial resources of the student partner, referring to Regulations 46-56 of the Council Tax Benefit Regulations, see *Treatment of student loans* later in this chapter  
*HB Reg 58*
  - the rules on the rent deduction and payments made to an educational establishment will apply in the same way as they would if the claimant was a student, see *Accommodation rented from an educational establishment* later in this chapter
  - the provisions on income will also apply

## ***Couple with two homes***

- 2.61 A couple, where one of them is a student, can claim HB and CTB on two homes if  
*HB Reg 7*
- the student partner is not excluded from benefit, and
  - you consider it is unavoidable that the couple should live apart

The no-student partner may also claim HB/CTB for accommodation which they occupy as their home.

2.62-2.69

2.70-2.79

## ***Occupying accommodation as their home - HB only***

### ***Main purpose of occupation during period of study***

- 2.70 The regulations require LAs to consider whether the main purpose of the occupation during the period of study is to facilitate attendance on the course. If this is not the main purpose, treat any periods of absence in the normal way, see *A3 Occupying the home* earlier in this manual.
- 2.71 In the majority of cases, there should be no difficulty establishing that the main purpose of occupation during the period of study is to facilitate attendance on the course. You can generally assume that this is the case if the student returns to the parental home or other accommodation they would normally be living in if it were not for the course. This is particularly likely if the student has no dependants or connection with the area other than their place of study is located there.
- 2.72 There will be no exclusion from entitlement when
- the main purpose of occupation is unconnected with the course
  - attendance on the course is subsidiary to some other purpose, such as remaining in the home the claimant was already settled in before being accepted for the course
- 2.73 Even if the student changed address to be near their place of study, there may be circumstances when attending the course is not the main purpose of occupation. In particular, you may readily accept that the main purpose of occupation during the period of study is other than to facilitate attendance on the course if
- the accommodation provides a home for the student's dependent child or children, or
  - there is no other accommodation which could be regarded as the student's normal home and either the student is
    - aged 25 years or over, or
    - is under age 25 but has no parents and nobody acting in the place of parents
- 2.74 If neither of the above conditions apply, you should look carefully at any cases when the student claims the main purpose of occupying the accommodation during this period is something other than to facilitate attendance on the course. Students should be expected to provide full details of their reason for occupation and, if necessary, evidence to show these reasons are genuine.

2.75-2.79

## *Absence outside the period of study*

Reg 55

- 2.80 When a full-time student in one of the prescribed vulnerable groups is absent from their accommodation for a complete benefit week outside the period of study, there is no entitlement to HB if the
- main purpose of their occupation of the home is to facilitate attendance on the course, and
  - absence is not due to entering hospital for treatment, see *Absence due to hospitalisation* later in this chapter

However, entitlement will not be affected if the student is actually living in the accommodation, or is absent from it for only part of a benefit week. When a repeat claim is made following one or more complete benefit week's absence, the student will not be entitled to benefit again until the start of the next benefit week. For details of the start of entitlement, see *A6 Start of entitlement* earlier in this manual.

- 2.81 Authorities should ensure that students are aware that
- absences of one complete benefit week or more in the summer vacation
    - may affect their entitlement to benefit
    - must be reported
  - the benefit will cease at the end of the period of study
  - a separate claim is needed for the summer vacation

- 2.82 The repeat claim will provide an opportunity to ask if the student is currently absent, or if they are going to be absent in the future. It may be possible to confirm the position from information provided about the student's source of income, particularly if earnings or IS/JSA(IB) are involved. In IS/JSA(IB)/ESA(IR) cases, notification NHB8 or the JSA(IB) equivalent, that a student is no longer receiving benefit may indicate the student is no longer living in the accommodation.

## *Absence due to hospitalisation*

- 2.83 Full-time students in one of the prescribed vulnerable groups will not be excluded from entitlement to HB if the absence from their accommodation is due to entering hospital for treatment. However, in these circumstances you should consider whether the student would actually be living in the accommodation if they were not in hospital. If the student would have been absent from the accommodation anyway, the normal rules apply and they would not be entitled to benefit, see *Absence outside the period of study* earlier in this chapter.

2.84-2.109

### *Absence in cases of students with partners*

2.84 The exclusion from entitlement applies only when the HB claimant is a student. If you consider it appropriate to treat the non-student partner as the person entitled to benefit, the normal rules on absence will apply, see *A3 Occupying the home* earlier in this manual.

2.85-2.89

### *Accommodation rented from an educational establishment*

2.90 Full time vulnerable group students, eg lone parents, couples with dependent children, disabled students, who live in accommodation provided by the educational establishment, and who are therefore treated as not liable to make payments, are eligible for HB from 1 Aug 2004. This does not affect the position of full-time students not in a vulnerable group. They are still treated as not liable to make payments in respect of their accommodation.

2.91 Part-time students who may, unusually, be renting from their educational establishment, may also be entitled but only if they would be eligible if they were a full-time student.

2.92 Students are not entitled to HB when it appears to the authority that an educational establishment has arranged for accommodation to be provided by a person or body other than itself to take advantage of the HB Scheme, eg by making arrangements with another educational establishment to provide accommodation, or by transferring ownership to a property management company.

### *Accommodation rented from an educational establishment during summer vacations*

2.93 Students do not normally rent accommodation from an educational establishment during the summer vacation. If they do, perhaps because they live all year round in accommodation provided for students with families, they will be entitled to HB for periods outside the period of study.

### *Rent paid to Housing Associations*

2.94 Some educational establishments have links with Housing Associations (HAs). The exclusion from entitlement does not apply when rent is paid to a HA.

*HB Reg 57*

2.95-2.109

## *Student income*

*HB Reg 59, 64 & 65; CTB Reg 46, 51 & 52*

### *Higher education*

2.110 HE students can receive financial support via

- Assembly Learning Grant (ALG)
- loan income
- student fee loans
- supplementary allowances
- school meals grants
- discretionary awards
- childcare packages
- Higher Education (HE) Grant
- Maintenance Grant
- Special Support Grant (SSG)
- Parent's Learning Allowance (PLA)
- Adult Learning Grant (ALG)
- Higher Education Bursary for care leavers

**Note:** Further information and rates for the current academic year can be found on the website <http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/StudentFinance/index.htm>

### *Assembly Learning Grant*

2.111 The ALG is paid by the Welsh Assembly to full and part-time students. However, please note that it will only be paid to those students who received this grant in 2002/03 to 2005/06. It will not be paid to new students or those who didn't receive it during this period. It should be fully disregarded when assessing entitlement to the income-related benefits.

2.112 The ALG is to cover costs towards

- books and equipment
- travel
- childcare charges

**Note:** The ALG may cover all or any of the above costs.

2.113-2.119

2.120-2.159

### *Loan income*

2.120 This means financial support for personal maintenance paid through a student loan. Student loans are available to most eligible full-time British students in HE, except for some students aged 50-55 and those over 55 when their course started. Loans are also available to students studying for a Postgraduate Certificate of Education (PGCE).

2.121 Loans are partly income-assessed and are generally paid in three instalments every year.

2.122 A loan is made to a student for an academic year. However, the Department for Innovation, Universities and Skills (DIUS) Student Support regulations divide the academic year into four unequal quarters and no part of the loan is payable for the quarter in which the longest vacation falls, in

- England and Wales, normally July and August
- Scotland, July

### *Student fee loans*

2.123 Universities can charge fees and students are eligible for fee loans to meet them. The fee loan does not include an element for living costs and is paid direct to the university or college.

2.124 Fully disregard the amount of any student fee loan or fee contribution loan.

2.125-2.139

### *Supplementary allowances*

2.140 These include dependant's grants and lone parent's allowance, travel grants and second home grants.

2.141-2.159

### *Discretionary awards*

- 2.160 As well as loans and grants, students may receive a discretionary award if they
- are on courses that do not attract mandatory support
  - do not qualify for mandatory support
- 2.161 These awards are treated in the same way as grants made under the mandatory scheme, unless they are awarded from Access Funds. See *Access Funds* later in this chapter.

### *Childcare grant*

- 2.162 The childcare grant is still payable as a separate element and is fully disregarded.

### *Scotland*

- 2.163 The childcare package introduced by Scottish Executive Enterprise and Life Long Learning Department (SEELLD) for HE students is an income-assessed grant available to all student parents, not just lone parents. A grant to cover a lone parent's childcare costs is payable under the Students' Allowances (Scotland) Regulations 1999 and is specified as such in the student's award notice.

### *Northern Ireland*

- 2.164 Northern Ireland also makes similar grants towards the costs of childcare. In line with the disregards of childcare grants awarded by DIUS and SEELLD, these grants are also disregarded.

### *Higher Education Grant*

- 2.165 The HE Grant was introduced for the 2004/2005 academic year to provide for the costs of books, travel, equipment and/or childcare that are necessary for course attendance.
- 2.166 Fully disregard the amount of HE Grant paid to an existing student.

### *Maintenance Grant*

- 2.167 The Maintenance Grant is available to some full-time, higher education students from September 2006 and replaces part of the student loan. The maximum Maintenance Grant a student can receive is £2,700 (for the 2006/2007 academic year) all of which is taken into account as income.
- 2.168 For up to £1,200 of the Maintenance Grant the student receives, every £1 reduces the amount of loan they can borrow by £1. Apply the loan disregards to the **reduced** amount of the loan.
- 2.169 Maintenance Grant above £1,200 does not affect the loan and is taken into account as income.

**Note:** Students who get the Maintenance Grant cannot also receive the SSG.

continued

HB/CTB Guidance Manual

(2.169)-2.171

(2.169)

These examples use the 2006/2007 academic year figures.

**Example 1**

A student is studying full-time and living outside London

The student can have a loan of £4,405 but a Maintenance Grant of £1,200 reduces the loan to £3,205, ie  $\text{Loan} = £4,405 - £1,200 = £3,205$

Total grant + loan income = grant of £1,200 + loan of £3,205 = £4,405

Take £3,205 into account as loan income and apply the disregards for books & equipment, travel and £10 weekly loan disregard.

Take the £1,200 of Maintenance Grant into account as grant income.

**Example 2**

A student is studying full-time and living outside London

The student can have a loan of £4,405 but a Maintenance Grant of £750 reduces the loan to £3655, ie  $\text{Loan} = £4,405 - £750 = £3,655$

Total grant + loan income = grant of £750 + loan of £3,665 = £4,405.

Take £3,655 into account as loan income and apply the disregards for books & equipment, travel and £10 weekly disregard.

Take the £750 of maintenance grant into account as grant income.

**Example 3**

A student is studying full-time and living outside London

The student can have a loan of £4,405 but a Maintenance Grant of £2,700 reduces the loan to £3,205, ie  $\text{Loan} = £4,405 - £1,200 = £3,205$

Total grant + loan income = grant of £2,700 + loan of £3,205 = £5,905

Take £3,205 into account as loan income and apply the disregards for books & equipment, travel and the £10 weekly disregard.

Take the full maintenance grant of £2,700 into account as grant income.

***Special Support Grant***

- 2.170 The SSG is payable to vulnerable students receiving the full-time undergraduate support package who also have entitlement to income-related benefits while studying, to make sure they are not disadvantaged by changes to the student support system.
- 2.171 The grant covers the costs of books, travel, equipment or childcare necessary to attend the course.

2.172 When a student is in receipt of the SSG and the university or HE Institution charges the full £3,000 tuition fees, the university must award the student a bursary to make up the difference between the £2,700 SSG and the fees.

2.173 Fully disregard the amount of this bursary.

**Note:** A student who is receiving the SSG cannot also get the Maintenance Grant. See *Maintenance Grant* earlier in this chapter.

### *Parents' Learning Allowance*

2.174 The PLA is fully disregarded. However grants in respect of child dependants are taken into account.

### *Adult Learning Grant*

2.175 The ALG is a means tested allowance of up to £30 per week for learners aged 19 or over. It offers financial help for those studying at least 12 hours a week.

2.176 For HB/CTB purposes people in receipt of an ALG can be a part-time or full-time student.

2.177 Apply the disregards for books and equipment and travel, see *Annex B*.

**Note:** Do not confuse the Adult Learning Grant and Assembly Learning Grant which are both referred to as ALG.

### *Higher Education Bursary for care leavers*

2.178 Care leavers in England who enter higher education may be awarded a Higher Education Bursary for care leavers.

2.179 Fully disregard the amount of this bursary.

### *NHS students*

2.180 Nursing students may be undertaking courses for a variety of qualifications, eg

- National Vocational Qualifications (NVQs)
- diplomas
- degrees, etc

2.181 Project 2000 courses are now known as diploma courses.

2.182 The NHS funds students in two ways. Those undertaking

- nursing and midwifery diploma courses receive non-means tested bursaries at a higher amount than other NHS funded students. They are not entitled to a loan
- degree courses receive means-tested bursaries and are also eligible for student loans, but of a lower amount

2.183-2.196

2.183 For details of NHS student grants or bursaries see the Department of Health (DH) websites at <http://www.nhsstudentgrants.co.uk>

2.184-2.189

### *Further education*

2.190 FE students generally tend to receive discretionary awards. These include Access Funds and are subject to the normal disregards. See *Access Funds* later in this chapter.

### *England*

2.191 In England, the primary system of student support is currently the Learner Support Funds. The main element of these are Access Funds, which are administered by colleges. These are intended to help towards the cost of

- books and equipment
- travel
- course fees

2.192 Another element of Learner Support Funds are Childcare Support Funds, which is also administered by individual colleges. It is up to each college to set its own policy on how it applies this childcare funding and the procedure for assessing eligibility so that local priorities can be met.

2.193 An alternative source of support are Career Development Loans. These loans are operated by the DIUS in partnership with four major high street banks and are designed to provide support towards the cost of vocational education or training.

2.194 Loans are available to pay for up to 100 per cent of course fees, plus the costs of books and materials for courses lasting up to two years. Students studying full-time can apply for a loan for living costs.

### *Wales*

2.195 The student support system in Wales is basically the same as in England. The National Assembly makes Access Funds available to all publicly-funded further education institutions. This is to enable them to provide selective help, at their discretion, to students who have financial difficulties, or who might not otherwise have been able to afford to enter over-16 education.

2.196 The Assembly has also established Individual Learning Accounts (ILAs), to

- help promote lifelong learning
- improve skill levels
- encourage individuals to be responsible for their own development by helping people pay for their learning

- 2.197 ILAs have been available across the whole of Wales since April 1999. They are in the form of a one-off payment to use towards the cost of a wide range of part-time learning, provided the individual makes a set contribution. This one-off payment is disregarded.
- 2.198 In January 2001 a new type of ILA was introduced. This features discounts of
- 20% off a wide range of eligible courses
  - 80% off certain key courses
- 2.199 Individuals aged 18 and over living in Wales can apply for an ILA and there is no upper age limit. The discount type ILA can be used towards the cost of learning every year. To apply for an ILA, individuals should contact their regional office of the National Council for Education and Training for Wales.

### *Assembly Learning Grant - Further Education*

- 2.200 The ALG is paid by the Welsh Assembly to full and part-time further education students. It should be fully disregarded when assessing entitlement to the income-related benefits. The ALG is to cover costs towards
- books and equipment
  - travel
  - childcare charges

**Note:** The ALG may cover all or any of the above costs and are fully disregarded.

### *Northern Ireland*

- 2.201 Northern Ireland also makes similar grants towards the costs of childcare. In line with the disregards of childcare grants awarded by DIUS and SEELLD, these grants are also disregarded.

### *Scotland*

- 2.202 The information below explains the current FE student support available in Scotland. All support is means-tested. Students should contact their college bursary officer for further details.

#### *Maintenance support*

- 2.203 From autumn 2001, full-time FE students aged 18 or over have access to the same levels of support on a weekly basis as HE students, see the latest HB/CTB A circular for details or check the Students Awards Agency for Scotland website at [www.student-support-saas.gov.uk](http://www.student-support-saas.gov.uk)

#### *Dependant's allowance*

- 2.204 This is available to students who have a legal or financial responsibility for a dependent partner, adult or child. The adult allowance can only be claimed for one adult.

2.205-2.229

### *Two homes allowance*

- 2.205 This is available to students who have to move closer to the college to enable them to attend and complete their course, but who still need to maintain their original permanent home. This allowance is not widely used.

### *Study and travel expenses*

- 2.206 This is intended to cover
- study expenses incurred in undertaking a course, and
  - travel expenses necessarily incurred in attending a course

### *Special needs allowance*

- 2.207 This provides additional support towards study and travel-related expenses and may be offered to a disabled student who, by virtue of their disability, is obliged to incur additional expenditure arising from their attendance at college.

### *Hardship Funds (previously known as Access Funds)*

- 2.208 Hardship (Access) Funds are provided by the Scottish Executive and distributed to colleges. The colleges pass these on to students
- who, for whatever reasons, face financial difficulties
  - whose access to FE might be inhibited by financial considerations

### *Young Students' Retention Fund*

- 2.209 At their discretion, colleges may provide a grant for each academic year to assist young students from low income families with maintenance costs.

### *Childcare support*

- 2.210 Childcare support is available through FE colleges to help students meet study-related childcare needs. It has been targeted at part-time students, but full-time students are not excluded. Additional childcare funding has just been announced which will particularly target the needs of lone parent students.

2.211-2.229

## *Treatment of student income*

- 2.230 All income-related benefits take the claimant's income into account. For students this means loans and grants subject to the normal disregards are taken into account as income except for student fee loans, see *Student fee* loans earlier in this chapter. The standard capital rules apply.
- 2.231 If a student is entitled to a loan or grant but chooses not to apply for it, the loan or grant is still treated as income as though the student has received it.
- 2.232 The regulations have been amended to include the definition of an academic year to help you calculate benefits.
- 2.233 For those students who begin their course in August or September and continue to attend during the autumn, the academic year is considered to start in the autumn, not the summer. This is likely to be the case for most students.
- 2.234 In England, Wales and Scotland degree courses tend to start in October. HNC and HND courses run by the colleges in Scotland tend to start in mid to late August. In England and Wales they generally tend to start in September. All these courses will be treated as starting in the Autumn term.
- 2.235 For all courses, student loan income is taken into account
- from the first complete benefit week which coincides with or immediately follows the start of the academic year
  - to the last complete benefit week which coincides with or precedes the last day of the course
- 2.236 This period excludes any benefit weeks that fall entirely in the quarter during which the longest vacation is taken. For the majority of students, this will be July and August. For this reason, loans for students resident in
- England and Wales will generally be taken into account from September to June
  - Scotland will generally be taken into account from mid-August to June
- 2.237 Treat a one year course that starts in September or October and ends in June as a one year course, July and August or September being the normal vacation period.
- 2.238 Before commencing their course a person may receive IS/JSA/ESA(IR) up to the date they become a student. Disregard any loan income apportioned over this period as in the previous paragraph.
- 2.239 Students should have clear documentation describing the purpose of any grants, bursaries, etc awarded. When the purpose of a payment is not given regard it as being for living purposes and take it into account.

2.240-2.259

2.260-2.289

### *Allowances for extra living costs*

2.260 With the exception of NHS students, see *NHS student income*, grants for dependants are taken into account over the same period as the loan. However, they are taken into account over 52 weeks if the student

- began their course before 1998
- does not have a loan and cannot get one by taking reasonable steps

2.261-2.269

### *NHS student income*

2.270 Take loans into account as normal.

2.271 Bursaries in England and Wales are generally paid in 12 monthly instalments and should be taken into account over this period. Bursaries are subject to the normal disregards, but not to the £10 loan disregard.

2.272 In Scotland non means-tested bursaries, including supplementary allowances for diploma nurses, are paid in four instalments and means-tested bursaries including supplementary allowances for NHS degree students are paid in three instalments. Take the bursary and any supplementary allowances into account over the period they are payable for.

2.273 Dependants' grants are also taken into account over the same period as the bursary.

2.274-2.279

### *Teacher's income*

2.280 Take bursaries paid to teachers who return to teaching into account over the period they are paid for. They are subject to the normal disregards for books and travel.

### *Incentive payments*

2.281 Incentive payments made to postgraduate trainee teachers, formerly training salaries, are now called training bursaries. These bursaries are generally paid in instalments and should be taken into account over the period payable. The disregards should be applied if the student is not eligible for a loan. If in exceptional circumstances it is paid in a lump sum then treat it as capital.

2.282 'Golden Hellos' are paid once the student has completed the course and is in employment.

2.283 Incentive payments are not payable in Scotland.

2.284-2.289

### ***Partners and parents of students***

- 2.290 If a claimant is not a student, but his partner is, treat the claimant as a student. The income and capital of the claimant's partner is treated as the income and capital of the claimant.
- 2.291 Parents of children or young people in non-advanced education may claim on their behalf as part of the same household. The student income will be taken into account in the overall assessment.

2.292-2.299

### ***Student abandons or is dismissed from the course***

- 2.300 When a student abandons or is dismissed from a course, the loan is taken into account to the extent that it has actually been paid. See *Former students* later in this chapter.

2.301-2.319

## ***Disregards***

### ***Loan disregard***

- 2.320 The loan disregard remains at £10 and is applied to the weekly loan income calculated after disregarding the statutory amounts for travel and books and equipment, see *Annex B*. It is not applied when assessing the income of former students or for student fee loans, see *Student fee loans* earlier in this part.
- 2.321 No disregards apply to the maintenance grant unless there is no loan in payment.

### ***Disabled Student Allowance***

- 2.322 DSAs are disregarded as these are paid to help towards the cost of
- major items of equipment
  - non-medical helper
  - travel costs
  - other items

### ***Second home grant***

- 2.323 Second home grants (unless HB is meeting the rent on the second home) and grants towards fees (paid direct to the educational institute) are also disregarded.

2.324-2.349

### ***Part-time students***

2.324 Part-time students are eligible for a loan towards books and travel. If this loan is less than the statutory amount allowed for books and travel disregard in full.

2.325-2.339

### ***Childcare disregards***

#### ***England and Wales***

2.340 The PLA awarded by DIUS for HE students, is fully disregarded, see *Higher Education* earlier in this chapter.

2.341 For students receiving loans, the PLA disregards are in addition to the loan disregards, see *Annex B*, for

- travel
- books and equipment

2.342 The lone parent's grant is treated as income.

#### ***Scotland***

2.343 Disregard from the student's loan/grant income any grant towards a lone parent's child care costs which is

- payable under the Students' Allowances (Scotland) Regulations 1999
- specified in the student's award notice

2.344 This disregard is in addition to the disregards, see *Annex B*, for

- travel
- books and equipment

2.345-2.349

### *Postgraduate students*

- 2.350 Various bodies may provide financial support to postgraduate students in the form of mandatory or discretionary
- scholarships
  - studentships
  - awards
- 2.351 If the support is discretionary, only take it into account if the student actually receives the support. Disregard DSA paid to postgraduate students in the same way as DSA paid to undergraduates.
- 2.352 Full-time postgraduate students cease to be treated as full-time students when their course is completed.
- 2.353 Further research or writing a thesis after the course has ended is regarded as part of the 'course of study' for the purposes of JSA(IB).
- 2.354 However, a decision on whether the postgraduate student is regarded as a full-time student during the period after the course has been completed depends on the amount of work being undertaken at that time. It should not be based on the fact that the course was full-time.
- 2.355-2.359

### *Access Funds*

- 2.360 The term 'Access Funds' covers payments made for the purpose of assisting students in financial difficulties, ie
- grants made under section 7 of the Further and Higher Education Act 1992 and described as 'learner support funds'
  - grants made under section 68 of the Further and Higher Education Act 1992 and described as 'access bursaries', or 'hardship funds'
  - grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980
  - grants, loans, or other payments made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993
  - grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997
  - payments from Financial Contingency Funds paid by the National Assembly of Wales, but not the Assembly Learning Grant

2.361-2.391

- 2.361 Do not take into account as income Access Fund payments intended to tide a student over until they receive their student loan cheque, even if used for items such as food, fuel, etc.
- 2.362 A single payment, not intended to form part of a series, is treated as capital. Disregard the payment for 52 weeks if it is not intended or used for
- food
  - fuel
  - ordinary clothing, or footwear
  - rent
  - Council Tax
  - water charges
- 2.363 Other regular payments of Access Funds are generally treated as income. Disregard them if they are not used as payment towards any of the items listed above, eg food, fuel, etc.
- 2.364 Payments intended for food, fuel etc are subject to a £20 disregard. However, this disregard is subject to the overall £20 disregard applicable to voluntary and charitable income, loan and covenant income.
- 2.365 Disregard for benefit purposes any payment from an Access Fund which is for course-related costs, such as childcare.
- 2.366 If the student's capital holding does not exceed £6000, disregard any payment which is a 'one-off', such as the payment of an electricity bill.
- 2.367 The DfEE have suggested within their guidance to HE institutions that it would be helpful to give students who have received a payment from Access Funds a letter detailing the payment. Students could present this to their local DWP office when they claimed benefit.

2.368-2.389

### ***'Return to practice' healthcare professionals in the NHS***

- 2.390 'Return to practice' refresher training is being offered by the NHS to people who were former health care professionals and are returning to the NHS. This is run by Workforce Development Confederation, and so may differ in its make up and the way the people are funded.
- 2.391 The majority taking part are regarded as students because they are undergoing a course of study at an educational establishment, ie a structured course which includes some classroom-based learning.

- 2.392 They can therefore only claim benefits under the usual conditions, ie as a
- member of a vulnerable group
  - part-time worker
  - partner of a non-student
- 2.393 The returning healthcare workers will receive allowances over the duration of the course. These allowances may be intended for
- general costs
  - books and equipment
  - travel
- 2.394 If the allowance is for general costs, they may also receive an extra allowance for, or reimbursement of, the cost of
- travel
  - books and equipment
- 2.395 If they are undertaking a course of study, treat these allowances as educational grants and apply the usual disregards.
- 2.396 If the allowances are for general costs, ie not for books, travel and equipment
- 1 apply the usual disregards for books, equipment and travel, see *Annex B*, and
  - 2 take into account any amount remaining as income over the period of study
- 2.397 Deduct the disregards from the total amount of the allowance and divide the remainder by the number of weeks in the period of study, regardless of whether it is paid
- weekly
  - monthly
  - as a lump sum
- 2.398 Do not disregard reimbursed childcare costs unless they are paid directly to the provider.
- 2.399 Some allowances are paid in more than one instalment, with the last being paid only when the healthcare professional has completed their refresher training. This instalment should not be taken into account during the period of the course.

2.400-2.419

2.420-2.429

## *Former students*

- 2.420 When a student abandons, or is dismissed from a course, no further loan instalments can be paid.
- 2.421 If a former student receives a loan instalment and voluntarily repays it, take the instalment into account as income. However, if the Student Loan Company demands an instant repayment from the student, do not take it into account. This is likely to happen when the instalment should not have been paid because the student has abandoned, or been dismissed from the course. Evidence of this is required.
- 2.422 If you receive a claim from a former student, a notional assessment is required. This shows what the income would have been had the student not abandoned, or been dismissed from the course.
- 2.423 An actual assessment is based on the instalments the student received. This amount will be attributed to the period ending with the last complete benefit week at the end of the last quarter for which the instalment was payable.
- 2.424 Apply the 'travel' and 'books and equipment' disregards, see *Annex B*, to the loan before adding any element of the dependant's allowances. If the resulting figure of the income on which the benefit is calculated is nil or a minus figure, there is no income to be taken into account.
- 2.425 Grants and bursaries paid to former students are not treated as above, but as already prescribed in the regulations.

2.426-2.429

## *Calculation of former student's loan income*

### *Treatment of loan income paid quarterly when course not completed*

#### *Income Support/Jobseeker's Allowance*

2.430 The amount of income to be taken into account is calculated using the formula

$$\frac{A - (B \times C)}{D}$$

2.431 In the above formula

- **A** equals the number of instalments of the loan/dependent's maintenance the student has received, less any deduction under IS regulation 66A(5) or JSA regulation 136(5)
- **B** equals the number of benefit weeks. This period is calculated
  - from the benefit week immediately following that which includes the first day of that academic year
  - to the benefit week immediately before that which includes the day on which the person abandoned, or was dismissed from, their course
- **C** equals the weekly relevant payment, before the application of the £10 disregard, taken into account as income under IS regulation 66A(2) or JSA regulation 136(2), ie the full loan divided by the number of weeks in the academic year
- **D** equals the number of benefit weeks in the assessment period
  - beginning with the benefit week including the day the person abandoned, or was dismissed from, their course
  - ending with the benefit week including the last day of the last quarter for which an instalment was payable

**Example:** IS calculation based on a student (benefit week ending Thursday) who starts the course in September 2003 and abandons it on 31 October 2003 and would therefore have received one instalment of the loan.

<b>A</b>	(33% of £4930 )	£1626.90
	Less deduction for books and equipment	£335
	Less deduction for travel	£270
	Total	£1021.9
<b>B</b>	(05/09/03 to 30/10/03)	8 weeks

continued

## C2 - Student claims

---

(2.431)-2.433

(2.431)	<b>C</b>	Loan	£4930
		Less deduction for books and equipment	£335
		Less deduction for travel	£270
		Total Loan	£4325
		Weekly amount (£4325 divided by 42 weeks)	£102.98
	<b>D</b>	(31/10/03 to 01/01/04)	9 weeks

Calculation

$$\frac{£1021.90 - (8 \times £102.98)}{9} = £22.00$$

Therefore, £22.00 a week will be taken into account as income for the period from 31/10/03 to 01/01/04 and nothing thereafter.

### ***Housing Benefit/Council Tax Benefit***

2.432 The amount of income to be taken into account is calculated using the formula

$$\frac{A - (B \times C)}{D}$$

2.433 In the above formula

- **A** equals the number of instalments of the loan/dependent's maintenance the student has received, less any deduction under HB regulation 64(5) or CTB regulation 51(5)
- **B** equals the number of benefit weeks
  - from the benefit week immediately following the one which includes the first day of that academic year
  - to the benefit week which includes the day on which the person abandoned, or was dismissed from, their course
- **C** equals the weekly relevant payment, before the application of the £10 disregard, which would have been taken into account as income under HB regulation 64(2) or CTB regulation 51(2), ie the full loan divided by the number of weeks in the academic year

continued

- (2.433) • **D** equals the number of benefit weeks in the assessment period. This is the number of weeks in the period
- beginning with the benefit week immediately following the one which includes the day on which the person abandoned, or was dismissed from, their course
  - ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable

**Example:** HB calculation based on a student who starts the course in September 2003 and abandons the course on 7 November 2003 and would therefore have received one instalment of the loan.

<b>A</b>	(33% of £4930 )	£1626.90
	Less deduction for books and equipment	£335
	Less deduction for travel	£270
	Total	£1021.90
<b>B</b>	(01/09/03 to 09/11/03)	10 weeks
<b>C</b>	Loan	£4930
	Less deduction for books and equipment	£335
	Less deduction for travel	£270
	Total Loan	£4325
	Weekly amount (£4325 divided by 42 weeks)	£102.98
<b>D</b>	(10/11/03 to 04/01/04)	8 weeks

Calculation

$$\frac{£1021.90 - (10 \times £100.58)}{8} = -0.99$$

Therefore Nil will be taken into account as income for the period from 10/11/03 to 04/01/04 and nothing thereafter.

2.434-2.449

2.450-2.451

*Treatment of loan income paid other than quarterly when course not completed*

2.450 Student loans are usually paid at the start of each term. However in Scotland, Scottish Ministers have the power to pay a student loan at a frequency they see appropriate. All Scottish domiciled students studying in Scotland are now paid on a monthly basis.

2.451 When a student loan is paid by two or more instalments you need to calculate the weekly amount to take into account using the formula

$$\frac{A - (B \times C)}{D}$$

where

**A** is the total amount of the relevant payments which the person received or would have received from the first day of the academic year to the day the person abandoned or was dismissed from the course, less the appropriate deduction for travel costs, books and equipment.

**B** is the number of benefit weeks from the benefit week immediately following the one which includes the first day of the academic year to the benefit week immediately before the one which includes the day on which the person abandoned or was dismissed from the course.

**C** is the weekly amount of the relevant payment, before a £10 disregard, that would have been taken into account as income had the person remained a student. (This is the weekly amount, before disregard, that would have been taken into account had the student been entitled to JSA/IS).

**D** is the number of weeks in the assessment period. This is the number of weeks in the period

- beginning with the benefit week which includes the day on which the person abandoned or was dismissed from the course, and
- ending on the benefit week which includes the
  - day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued or
  - last day of the last quarter for which an instalment of the relevant payment was payable

whichever is the earlier

**Note:** A quarter is one of the periods from 1 January to 31 March, 1 April to 30 June, 1 July to 31 August and 1 September to 31 December.

continued

(2451)

**Example**

Alan abandons his course of study on 2 February 2009 in his second year after receiving £2000 of his student loan allocation. He was entitled to a student loan of £3570 and this was being paid in monthly instalments of £400 on the 1st of each month from 1st October – 1st May with a final payment of £370 due on 1st June.

The DM calculates that there is nothing to be taken into account from the student loan.

<b>A</b>	=	£1,325	£2,000 - £295 - £380
<b>B</b>	=	22	Number of weeks from 8 September 2008 – 8 February 2009
<b>C</b>	=	£68.92	£3570 - £295 - £380 = £2895/42 weeks (8 September 2008 – 28 June 2009)  =£68.92 per week which would have been taken into account had he remained a student)
<b>D</b>	=	4	Number of weeks between 2 February 2009 and 28 February 2009

$$\mathbf{£1325 - (22 \times £68.92) = Nil}$$

2.452-2.999

## *Glossary of terms used in this chapter*

*HB Reg 53; CTB Reg 43*

C2.00 The following paragraphs give definitions of many of the common terms you are likely to meet when dealing with claims from students.

### *Academic year*

C2.01 An academic year means the period of **12 months** beginning on 1 January, 1 April, 1 July or 1 September, according to whether the course begins in winter, spring, summer, or autumn.

C2.02 For students who begin their course in August or September and continue to attend during the autumn, the academic year is considered to start in the autumn, not the summer. This is likely to be the case for most students.

### *Educational authority*

C2.03 Education authority covers

- a Government Department
- local education authorities
- the Department for Education for Northern Ireland
- the Student Awards Agency for Scotland
- the five Research Councils - Agricultural and Food, Economic and Social, Medical, Natural Environment, Science and Engineering
- any comparable Government Department, authority, board or body of a country outside Great Britain (including the Channel Islands and the Isle of Man)

### *Educational establishment*

C2.04 Educational establishment is not defined in the regulations but should be taken to include

- private institutions
- universities and polytechnics
- colleges of further or higher education
- other state funded establishments
- schools
- other establishments which are used for the purposes of training, education or instruction

### *Former student*

C2.05 A former student is a student who

- abandons
- is dismissed from a course

### *Full-time course of study*

C2.06 A full-time course of study is one that

- is funded in whole or in part by the Learning and Skills Council (LSC) or National Council for Education and Training in Wales (NCET), and
- involves the student in more than 16 guided learning hours per week, according to the number of guided learning hours per week for that student set out, in the case of a course funded by the
  - LSC, in their learning agreement signed on behalf of the establishment which is funded by the LSC for the delivery of that course, or
  - NCET, in a document signed on behalf of the establishment which is funded by the NCET for the delivery of that course, or
- is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves
  - more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college, or
  - 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and it involves additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college,
- a full-time course of study of higher education which is funded in whole or in part by the Scottish Ministers, or
- is not funded in whole or in part by the LSC or NCET or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education. (This last definition covers university degree courses in England and Wales, privately run courses, in fact any course that is not covered in the previous definition.)

### ***Full-time student***

- C2.07 A full-time student is a person attending or undertaking a full-time course of study, including a sandwich course.
- C2.08 Whether a person is to be treated as a full-time student will be determined by the type of course they are doing. For example courses of
- further education funded wholly or in part by the Further Education Funding Council, the student's learning agreement will show what type of course they are doing
  - higher education, if you are doubtful about the type of course, consult the educational establishment for advice about whether the course is full-time. A good indicator that the course is full-time is the receipt of a loan for full time students

### ***Full-time to part-time study***

- C2.09 A student may change their mode of study from full to part-time for personal reasons. This usually means abandoning the full-time course to register on a part-time one. If they have abandoned their course, they will be eligible for benefits as a part-time student.

### ***Further education courses***

- C2.10 Further education courses are courses up to, but not including, HND or HNC and degree level. They can be publicly or privately run or funded.

### ***Grant***

- C2.11 A grant means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary. It does not include a payment derived from funds made available by the Secretary of State for the purpose of assisting students in financial difficulties under section
- 100 of the Education Act 1944
  - 65 of the Further and Higher Education Act 1992
  - 73 of the Education (Scotland) Act 1980
  - 40 of the Further and Higher Education (Scotland) Act 1992

### *Higher education courses*

- C2.12 Higher education courses are courses on a higher level leading to a diploma or degree. Examples are a
- course at a higher level in preparation for a higher diploma or certificate, eg HND or HNC
  - first degree course
  - course for the education and training of teachers
  - course of postgraduate studies, including a higher degree course
  - course at a higher level in preparation for a qualification from a professional body
- C2.13 A course is regarded as providing education at higher level if its standard is higher than the standard of courses in preparation for examinations for the
- Scottish Certificate of Education at higher grade
  - Certificate of Sixth Year Studies
  - General Certificate of Education of England and Wales or Northern Ireland at Advanced level (A level)
  - Scottish Vocational Education Council National Certificate
- C2.14 The definition can be found in Part II of the Further and Higher Education (Scotland) Act 1992.
- C2.15 Although the educational establishment can advise whether a course is full-time or part-time, it is for you to decide, basing your decision on all aspects, including eligibility for a loan. Generally, if a student is eligible for or receives a full-time loan, then the course is considered to be full-time.

### *Intercalating students*

- C2.16 Intercalating students are who
- 1 at any time during an academic year, with the consent of the relevant educational establishment, interrupt their studies because they were
    - a engaged in caring for another person, or
    - b ill, and
  - 2 have stopped caring for that person or, have recovered from that illness but are not permitted to return to their course immediately, and
  - 3 are not eligible for a grant or student loan for the period specified in paragraph 6 of regulation 56 of the Housing Benefit (General) Regulations 2006

- C2.17 These students can claim HB/CTB, but only for the period from the date they stopped being engaged in caring for that other person or recovered from that illness, until the start of the next academic year or their return to the course, whichever is the earlier.

### ***Modular course***

- C2.18 A modular course means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a student can be considered by the educational establishment to have completed the course.
- C2.19 Some students follow modular courses designed to let them to study at a pace that suits them. Students studying part of a modular course on a full-time basis should be treated as full-time students from the day that part of the course begins, until the last day of the course. This should include any vacation period immediately following that part of the course. If the module, or group of modules is the final part of the complete course of modules, do not include the vacation period immediately following.
- C2.20 Any period spent retaking modules undertaken during a period of full-time study is also treated as a period of full-time education.
- C2.21 In practice, most students will study the modules on a continuous basis and be treated in exactly the same manner as a student taking a more traditional course. If students say they are now studying part-time, you should ask them to confirm that they are simply not retaking modules previously undertaken on a full-time basis.

### ***Part-time students***

- C2.23 A part-time student is eligible to claim income-related benefits as long as they satisfy the qualifying conditions. See *Disregards* in this chapter.

### ***Period for which a person is regarded as a student***

- C2.24 The period for which a person is regarded as a full-time student depends on the type of course they are doing. In most cases they continue to be regarded as a student until they
- complete the course
  - are dismissed from or abandon the course

### *Qualifying course*

- C2.25 A qualifying course means a course as defined in Regulation 17A of the Jobseeker's Allowance Regulations 1996, namely
- it is an employment-related course
  - it lasts no more than 12 consecutive months, and
  - except where it falls within a course or programme of a standard above the following, it is a
    - course of a description falling within Schedule 2 to the Further and Higher Education Act 1992, or
    - programme of learning falling within section 6 of the Further and Higher Education (Scotland) Act 1992

### *Quarter*

- C2.26 A quarter is one of the periods from
- 1 September to 31 December
  - 1 January to 31 March
  - 1 April to 30 June
  - 1 July to 31 August

### *Relevant education*

- C2.27 Relevant education is education received by a child or young person
- up to A level standard, and
  - for whom the parents would still be entitled to Child Benefit (ChB)

### *Student*

- C2.28 A student is someone who is
- not receiving a training allowance, and
  - attending or undertaking a course of study at an educational establishment, or
  - undertaking a qualifying course
- C2.29 Trainees who receive a training allowance payable by or for the DfES have been excluded from the definition of student since April 1992. The student rules do not apply to those on Training for Work or Learning for Work who have to attend educational establishments as part of that training.

### ***Student loan***

- C2.30 A student loan is a loan made under the
- Education (Student Loans) Act 1990
  - Teaching and Higher Education Act 1998, or
  - Education (Scotland) Act 1980

### ***Sandwich courses***

- C2.31 A sandwich course consists of alternate periods of full-time study at an educational establishment and periods of experience (industrial, professional or commercial) associated with that study which take place outside the educational establishment.

### ***Training allowance***

- C2.32 A training allowance is generally a payment made out of public funds by the Secretary of State and paid for a person's maintenance. The full definition can be found in Regulation 2 of the Income Support and Jobseeker's Allowance Regulations.

### ***Vulnerable groups***

- C2.33 Certain students in vulnerable groups are able to claim HB/CTB. This is in recognition of the additional difficulties they face in continuing with their education. They remain eligible because they are vulnerable, not because they are students. The vulnerable groups differ according to the type of benefit involved, see *Vulnerable groups* in this chapter.

### ***Work experience***

- C2.34 Periods of work experience which form part of a sandwich course.

## *Disregards*

### *Loan disregard*

*HB Reg 59 & 64; CTB Regs 46 & 51*

<b>Academic year</b>	<b>Disregard for books and equipment</b>	<b>Disregard for travel</b>
2008/2009	£380 per annum	£295 per annum
2007/2008	£370 per annum	£290 per annum

A further £10 disregard is applicable after disregarding the statutory amounts for travel and books and equipment.

**Note:** The disregard for books, equipment and travel can also apply to certain grants, ie Adult Learning Grant. Also not all students will receive a loan, so these disregards also apply to grants such as NHS bursaries.