

Explanatory Memorandum to the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) (No.2) Regulations 2007

This Explanatory Memorandum has been prepared by the Student Finance Division and is laid before the National Assembly for Wales.

Description

1. These Regulations are intended to amend the existing Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007 No. 1045 (W.104), as amended by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2007 No. 2312 (W.183) which set out the student support arrangements for students ordinarily resident in Wales for the academic year 2007/08. These amendment Regulations clarify the position on the student support package available to full-time distance learners.

Matter of special interest to the Secondary Legislation Committee

2. These amendment Regulations follow the Negative Resolution procedures and are of a routine nature. The Regulations are of no special interest to the Secondary Legislation Committee.

Legislative Background

3. The powers enabling these Regulations to be made are contained in section 22 of the Teaching and Higher Education Act 1998. These powers have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006. Responsibility for issues relating to the contents of the Regulations has been delegated to my portfolio as Minister for Children, Education, Lifelong Learning and Skills.

Purpose and intended effect of the legislation

4. These Regulations insert a new Part 10A into the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007 No. 1045 (W.104), as amended by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2007 No. 2312 (W.183) to make provision for the payment of support to students who are undertaking designated full-time distance learning courses in Wales. The Welsh Ministers may, under the amended Regulations, designate full-time distance learning courses as designated distance learning courses. A student undertaking a designated distance learning course may qualify for the support payable under new Part 10A of the 2007 Regulations, as amended, if he/she is an eligible distance learning student and he/she satisfies the relevant qualifying conditions for that support. The amount of support actually payable to an eligible distance learning student is determined in accordance with new regulations 61H. The support payable to eligible distance learning

students consists of grant in respect of fees, grant in respect of books, travel and other expenditure, and disabled distance learning students' allowance.

5. Students who were previously in receipt of disabled students' allowances under Part 5 of the Assembly Learning Grant and Loans (Higher Education) (Wales) Regulations 2007 in connection with undertaking a designated course but who are not attending or not treated as attending that course will have their status as eligible students converted to the status of eligible distance learning students provided that the conditions in new regulation 61M are met. This provision will also apply to students who were previously determined to be eligible students but who did not qualify for student support solely because they were not in attendance on a designated course.

Implementation

6. It is intended that this Instrument will come into force on 23 October 2007. The Regulations need to be in force at the earliest opportunity and will make provision for eligible full-time distance learners to be eligible for the part-time package of support.
7. Similar amendment Regulations came into force in England on the 1 September 2007. These Regulations ensure parity with England and provide us with a legal base to make payments to students.

Consultation

8. The Assembly Learning Grants & Loans (Higher Education) (Wales) Regulations 2007 No.1045 (W. 104) which came into force on 1 April 2007 were consulted upon between 25 September and 18 December 2006. There is no legal requirement to consult on the amendment to the 2007 Regulations. The change reflects the provision in the DIUS Regulations for 2007/08 that could not be incorporated into the statutory instrument No. 1045 (W. 104) due to the timing of the DIUS amendment.

Regulatory Impact Assessment

Options

9. Details of the proposed changes are set out in the *purpose and intended effect of the legislation* section. The options of making or not making the Regulations are:
10. **Do nothing** – If these Regulations were not made it would mean that we would be prevented from making support payments to most full-time distance learning students in the 2007/08 academic year in Wales.

The Regulations would be 'out of sync' with the policy intention.

11. **Make the legislation** –Implementing this Regulation will clarify the position on the student support package available to eligible full-time distance learning students and will provide a legal base for the making such payments.

Benefits

12. These Regulations will clarify the position on the student support package available to full-time distance learners in Wales. They will provide certainty to the Welsh Assembly Government's delivery partners i.e. the Student Loans Company; Higher education Institutions, and Local Authorities. Delivery agents and customers (students) of the Welsh Assembly Government will directly benefit from having a complete set of Regulations governing student support in the 2007/08 academic year.

Costs

13. It is considered that formalising the current position on support for full-time distance learners will be negligible, given the small numbers affected. Paying the correct reduced rate to students who have previously been awarded the full-time student support package in error will generate savings that will contribute to any additional costs of this amendment. The purpose of this Regulation is to clarify the position on the student support package available to full-time distance learning students.

Competition Assessment

14. The making of these Regulations have no impact on businesses, charities and/or the voluntary sector.

Consultation

15. There is no legal requirement to consult on the amendments to the 2007 Regulations.

Post implementation review

16. There is an ongoing process of continual review of the Regulations that govern the student support system in Wales.

Summary

17. The making of this instrument is cost neutral to the Welsh Assembly Government and officials recommend that these Regulations are put in place to support the 2007/08 academic year. They will ensure that eligibility criteria align across the student support system in Wales.