Briefing for the Public Petitions Committee

**Petition Number:** PE1650

**Main Petitioner:** Rebecca Jeynes

**Subject:** Student Awards Agency Scotland’s postgraduate eligibility criteria

Calls on the Parliament to urge the Scottish Government to widen the Student Awards Agency Scotland (SAAS) eligibility criteria to include postgraduate degree funding for individuals who have studied an undergraduate degree in Scotland but are ordinarily resident in the UK.

**Background**

The Petitioner is concerned with the treatment of students who are studying at a Scottish higher education institution (HEI) but whose home residence prior to starting their degree is in England. The issue arises in relation to entitlement to financial support when such students move from undergraduate to postgraduate level study also in Scotland. In the case of the Petitioner, the postgraduate programme in question is the Diploma in Scots Law, which she points out, is intended to be practiced in Scotland.

**Responsibility for financial support**

It is the relevant organisation within the UK country where the student is identified as resident (not where they study) that is responsible for financial support. For example, a student who is identified as being resident in Scotland, whether they study in Scotland or another part of the UK, will apply to the Student Awards Agency Scotland (SAAS) for financial support. While someone who is identified as being ordinarily resident in England will receive support from Student Finance England whether they study in England or any other part of the UK.

As higher education policy is largely devolved, each of the four UK countries has its own approach to financial support for students. Below are links to the organisations responsible for providing student support funding to those who are ordinarily resident in each of the UK countries.

<table>
<thead>
<tr>
<th>Country</th>
<th>Link</th>
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<tbody>
<tr>
<td>Scotland</td>
<td><a href="https://www.saas.gov.uk">Student Awards Agency Scotland</a> (SAAS)</td>
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<tr>
<td>England</td>
<td><a href="https://www.gov.uk/government/organisations/student-loans-company">Student Loans Company</a> / Student Finance England</td>
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The support the student receives will depend on the policy in place at the time of their studies. Eligibility to financial support from the relevant agency can be affected by various factors relating to the:

- Individual student e.g. whether they have previously received funding for higher education studies.
- Course e.g. whether it leads to a recognised fundable qualification.
- Particular HEI e.g. whether it is a recognised higher education provider that has met the criteria to offer programmes of higher education that the agency will fund.

**Ordinarily Resident in Scotland**

Under current statutory rules (set out in the Education Fees (Scotland) Regulations 2011) entitlement to financial support while studying relies on evidencing a “relevant connection” to Scotland.

A relevant connection is where a student has been ordinarily resident in the United Kingdom and Islands for a period of three years immediately preceding the relevant date and was ordinarily resident in Scotland on the relevant date. The relevant date is: 1 August; 1 January; 1 April; or 1 July, whichever is closest to the date of the first term of the start of the course. Where a course starts in September 2017, the relevant date will be 1 August 2017. The student must also, on the relevant date, be settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971.

The 2011 regulations explicitly state that a student is not recognised as being “ordinarily resident” in Scotland if the purpose of residence was wholly or mainly to participate in full-time education (Schedule 2(parag.1 (2)).

**Scottish Government Action**

In response to questions on this issue, the Scottish Government has pointed out that there needs to be a gap between completion of one period of study and commencement of the next in order for someone to be able to demonstrate a relevant connection to Scotland:

Under the ‘end on’ rule, UK domiciled students undertaking a postgraduate course in Scotland directly after undertaking an undergraduate degree, are not eligible for support from SAAS. However, they should remain eligible for support, on residency grounds, from the funding body that provided their undergraduate funding.

Therefore, a Student Finance England [SFE] funded student undertaking a postgraduate course in Scotland would continue to be eligible to apply to SFE for support for their postgraduate course.
The reverse also applies, if a Scottish domiciled student was studying in England and was funded by SAAS at undergraduate level, they would remain the responsibility of SAAS if they went on to study a postgraduate ‘end-on’ to their undergraduate degree. If their course was not one that SAAS funded they would not be eligible to apply to SFE instead (Scottish Government, personal communication).

The postgraduate funding guide from SAAS says a little about how it treats those that do not immediately start their postgraduate studies after completion of their first degree. It explains that the funding body for postgraduate study may differ from the body that supported undergraduate study “if you do not start your postgraduate course immediately after you complete your first course.”

For example, if SAAS funded a first degree programme after which the graduate moved to England to work and was still living there on the first day of the academic year of their postgraduate course, they would normally be seen as ordinarily resident in England. In that case, they would apply to Student Finance England for access to student finance for their postgraduate studies.

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9 May 2017

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