

STUDENT AWARDS AGENCY SCOTLAND (SAAS)

NOT FIT FOR SUPPORT POLICY

INTRODUCTION

1. SAAS is an Executive Agency of the Scottish Government with responsibility for the assessment of entitlement to and payment of student awards to eligible students in Scotland and Scottish students studying elsewhere in the UK.

We are committed to making payments of the right support to the right person at the right time. We are also committed to ensuring that we provide value for money for the public purse.

It is therefore key that we only pay monies to individuals that are entitled to receive support. In certain circumstances, we may take the decision that an individual has lost their entitlement to receive public funding and deem them 'not fit for support'.

NOT FIT FOR SUPPORT - LEGISLATION

2. SAAS operates under the legislation provided in the Education (Scotland) Act 1980, The Student Allowance (Scotland) Regulation 2007, The Education (Student Loans) (Scotland) Regulations 2007 and The Nursing and Midwifery Student Allowances (Scotland) Regulations 2007 and their subsequent amendments.

All student allowances and loans are paid subject to the rules set out within these regulations.

The regulations state:

- **Regulation 5 (3) (b) of the Students' Allowances (Scotland) Regulations 2007, as amended**

"the Scottish Ministers shall be satisfied as to the conduct and progress of the holder"

- **Regulation 4(4) (a) of the Students' Allowances (Scotland) Regulations 2007, as amended**

"the amount of the determination of an allowance may be revised at any time if the Scottish Ministers think fit having regard to–

(a) the failure of the holder to comply with the requirements of the allowance;

- **Regulation 7 (4) of the Education (Student Loans) (Scotland) Regulations 2007, as amended**

"Where the conduct of an eligible student has shown the eligible student to be unfitted to receive a loan the Scottish Ministers may determine that that person is no longer eligible for a loan, and on such determination that person

shall then cease to be an eligible student.”

- **Regulation 5 (3) of the Nursing and Midwifery Student Allowances (Scotland) regulations 2007**

“Every allowance shall be held subject to the following requirements:–

(a)the holder shall comply with the requirements of the course of education in respect of which the allowance is awarded;

(b)the Scottish Ministers shall be satisfied as to the conduct and progress of the holder;

(c)the holder shall provide the Scottish Ministers with such information and such documents as they may from time to time require to enable them to exercise their functions under these Regulations; and

(d)the holder shall repay to the Scottish Ministers any sum in respect of which the holder has given an undertaking in terms of paragraph (1)(b) and which falls to be repaid following a revisal in terms of regulation 4(4).”

Scottish Ministers can therefore deem the holder of the award, or an individual who would otherwise be eligible to be ‘not fit for support’ as a result of their conduct.

STUDENT DECLARATION

3. When a student applies to us for funding online they will electronically sign a declaration and undertaking which details the rules they must adhere to and penalties that could be imposed if they break the terms of that agreement.

A similar declaration is made by students applying for a loan.

WHAT CONSTITUTES NOT FIT FOR SUPPORT

4. Examples of scenarios that may result in an individual being deemed ‘not fit for support’:

- The individual’s conduct has not been acceptable.
- The individual has failed to progress and has made multiple withdrawals from their course over a number of sessions.
- The individual has provided inaccurate or incomplete information on the application for student support in a deliberate attempt to receive monies to which they are not entitled.
- The individual has committed or attempted a fraud against us.
- The individual has been asked to repay monies to us and has failed to do so, or has failed to honour a repayment arrangement.

- The individual has not adhered to conditions of the agreement they entered into when applying to SAAS for their award.

(This list is for illustrative purposes only and is not exhaustive. SAAS will make decisions about an individual's suitability to receive or to continue to receive support on a case by case basis.)

DECISION

5. The SAAS Head of Counter Fraud acting on behalf of Scottish Ministers can, based on the evidence presented, decide that an individual is 'not fit for support' and place them on the Not Fit for Support Register held by SAAS.

The decision will be based on:

- A. the individual's failure to comply with the conditions of the allowance or loan;
- B. being unsatisfied with the conduct of the applicant; or
- C. a combination of A and B.

Appeals

6. Any individual deemed to be 'not fit for support' has the right of appeal. An appeal will only be considered if it is based on us having made an incorrect assessment of factual circumstances and is supported with documentary evidence. An appeal should be raised as soon as possible after receiving our decision. You will need to

- Tell us why you think our assessment is incorrect
- Give adequate explanation of why you should have funding reinstated
- Provide documentary evidence to support your appeal

This appeal should be made in writing directly to the SAAS Chief Executive's Office at:

Student Awards Agency Scotland
Chief Executive Office
Saughton House
Broomhouse Drive
Edinburgh
EH11 3UT

A member of the Chief Executive's Office will respond within 10 days. If this is not possible they will make contact and advise when a response will be issued. This is a one stage appeal process and the decision made by the Chief Executive's Office is final.

Please note that we will be unable to review your appeal if you do not provide supporting evidence.

REGISTER

7. A Register of those individuals deemed 'not for support' will be held by SAAS and will include the reason(s) the individual has been placed on the register. Once placed on the Register, an individual can only be removed as a result of a successful appeal and any agreed remedial action being completed by the individual.

SAAS
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