

## **STUDENT AWARDS AGENCY SCOTLAND (SAAS)**

### **RESTRICTED FUNDING 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 and where appropriate protect the public purse from those that would seek to exploit it.

It is therefore key that we only pay monies to individuals that we assess as being entitled to receive support. In certain circumstances, we may take the decision that an individual has acted in bad faith and lost that entitlement to receive public funding for education and place restrictions on the level of support they receive.

#### **WHY AN INDIVIDUAL MAY BE PLACED ON RESTRICTED FUNDING**

**2.** Examples of scenarios that may result in an individual being placed on restricted funding.

- The individual's conduct has not been acceptable.
- The individual has failed to progress or 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.)

## ASSURANCE

**3.** A panel of SAAS' senior managers can, based on the evidence presented, decide that an individual should have their funding restricted and place them on the Restricted 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. the individual not making acceptable progression with their studies; or
- D. A combination of A, B & C.

Further guidance on the decision-making process, including the appropriate standard of proof and other factors that the panel will take into account, are set out in the Restricted Funding Review Group Terms of Reference.

The panel may impose a range of sanctions where an individual's funding is to be restricted. In less serious cases, the amount of funding may be reduced rather than removed altogether.

Depending on the severity of the action, the panel can make the decision to immediately stop all financial support or refuse a particular element of the total support package.

The reason for this is that the Scottish Ministers have powers to deem the holder of an award, or an individual who would otherwise be eligible for an award, to be unfit for support as a result of their conduct. SAAS exercise the statutory functions of the Scottish Ministers on their behalf. The relevant legislation is as follows:

- *Students' Allowances (Scotland) Regulations 2007, as amended*

Regulation 3(1): "...a person shall not be eligible for an allowance if the person has, in the opinion of the Scottish Ministers, as determined by them, shown themselves by the conduct to be unfitted to receive an allowance."

Regulation 4(4)(a): "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 5(3)(b): "Every allowance shall be held subject to the following requirements–

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

- *Education (Student Loans) (Scotland) Regulations 2007, as amended*

Regulation 3(2): "...a person shall be eligible for a loan in connection with their undertaking a designated course if that person-

...(e) is not in breach of any obligation to repay any loan."

Regulation 3(3): "Notwithstanding that a person satisfies the requirements specific in paragraph (2), a person shall not be eligible for a loan if-

(a) that person has, in the opinion of the Scottish Ministers, shown themselves by their conduct to be unfitted to receive a loan."

Regulation 7(4): "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."

- *Nursing and Midwifery Student Allowances (Scotland) regulations 2007*

Regulation 4(4)(a): "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 5(3): "Every allowance shall be held subject to the following requirements:-

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

## REGISTER

**4.** A Register of those individuals placed on Restricted 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.

Individuals will remain on the Register for a period of up to six years, with a specific period intimated in writing to you. After this period has elapsed the individual will be removed from the Register and will be entitled to re-apply for support from SAAS. SAAS would reserve the right to review the conduct of the individual at this point to determine if we were exposing ourselves to further financial risk by allowing funding.

## APPEALS

**5.** Any individual placed on the Restricted Support Register 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, if possible, within three months of the individual receiving

our final decision. The appellant would need to:

- Tell us why they think our assessment is incorrect;
- Give adequate explanation of why they should have funding reinstated; and
- Provide documentary evidence to support their appeal.

This appeal should be made in writing directly to the SAAS Complaints and Appeals Team at:

Student Awards Agency Scotland  
Complaints and Appeals Team  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3UT

A member of the SAAS Executive Team 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 is final.

Please note that we will be unable to review an appeal if the appellant does not provide supporting evidence.

**SAAS**  
**January 2019**