STATES OF JERSEY

STATES OF JERSEY COMPLAINTS BOARD: FINDINGS – COMPLAINT BY MR. AND MRS. A. AGAINST A DECISION OF THE MINISTER FOR EDUCATION REGARDING AN APPEAL IN RESPECT OF THE STUDENT GRANT FOR THEIR SON (MR. A. (JUNIOR)) – (R.108/2017) – RESPONSE OF THE MINISTER

Presented to the States on 23rd November 2017
by the Minister for Education

STATES GREFFE

RESPONSE OF THE MINISTER

September 2017

Complaint by Mr. and Mrs. A against a decision of the Minister for Education regarding an appeal in respect of the student grant for their son (Mr. A. (Junior)).

Hearing held in public on 26th July 2017 at Morier House.

Complaint findings: the Education Department did not follow the exact wording of both the Education (Discretionary Grants – General) (Jersey) Order 2008 and the Education (Discretionary Grants – Amounts) (Jersey) Order 2008 ("the Amounts Order"), with respect to the awarding of a maintenance grant to Mr. A. Junior, but acted fairly and even-handedly, and additionally Mr. A. Junior actually benefitted against a strict application of the Amounts Order.

After discussion, the Law Draftsman's Office advised that it is necessary to re-write the Orders completely in order to reflect the specific nature of the Student Finance grants. This will be completed as soon as possible, but is dependent on available resources and Law Drafting time. The aim is to have this in place for the new academic year 2018/19.

Board's Recommendations	Department's Response
6(xi) Information provided to Public is unclear and ambiguous	The Department is currently going through the process of comparing the 2 Discretionary Grants Orders listed above with the advice in the Guide to Higher Education Awards and the gov.je website. We will endeavour to make the documentation that supports our students, under-graduates and post-graduates as simple as it can possibly be.
6(xii) The Department's policy to awarding maintenance grants is based solely on the length of the course, and the Board feel that this should be clear in the legislation and the guidance	The Amounts Order has been changed to reflect a more time-based approach to maintenance calculation. We accept that mentioning a specific course in the legislation could be confusing, and will look to change that as part of the fundamental review of the Orders mentioned above. We will change the narrative around the maintenance bands to make the principles even clearer.
6(xiii) Award maintenance grants on a set weekly amount	This will not be possible, due firstly to the time it would take to get verification from the universities (which would cause delay in getting funding to students), and secondly the significant resource implications this would have for the Education Department.
6(xiv) The Board is critical of the Department's application of Article 16A of the Education (Discretionary Grants – General) (Jersey) Order 2008 – Field Trips	We accept that Article 16A is open to interpretation. We will discuss this further with the Law Officers, take advice, and look to amend if necessary.

Board's Recommendations	Department's Response
6(xv) Lack of knowledge of Article and reimbursement for travel	The Department does have detailed knowledge of this Article, but felt that it was not appropriate to use it in this case. On 2 occasions the complainant was offered the opportunity to have travel costs reimbursed, and was required to provide evidence that peers had received this funding from the NHS. Student Finance did not receive any reply. We will ensure that this option is clearly advertised on the website.
6(xvi) Including STIA and LTIA in assessments	The Department does consider STIA and LTIA as income in relation to the assessment, even though they are not taxable income under Article 77AA of the Income Tax Law. The rules applied by the Social Security and Education Department in relation to income assessments are separate, and it is appropriate that the definition of income for income/income support purposes is wider than that used in the Income Tax Law.