

# STATES OF JERSEY



## HIGHER EDUCATION GRANTS: METHOD OF ASSESSMENT

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Lodged au Greffe on 11th December 2012  
by Deputy G.C.L. Baudains of St. Clement

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to request the Minister for Education, Sport and Culture not to implement changes he has proposed to the method of assessment of income when calculating means-tested grants for university students and to retain the current provisions that the income of the natural parents of the student is used as the principal basis of assessment.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT

## REPORT

Several members, including myself, were surprised by the Minister's proposals to alter the Education (Discretionary Grants) (Jersey) Order 2008, whereby, when assessing the financial liability for the education of the child of a single parent, he seeks to take into account the financial circumstances of that parent's new partner rather than the child's other biological parent.

In the Minister's Statement of 6th November 2012, he stated "*I have decided to introduce fairer arrangements ...*" followed by –

*"Where the student's parents have separated or divorced and the parent whose income will be assessed now lives with a new partner, the assessment will be based on the gross household income of both partners."*

How can that be 'fairer'?

And in response to a written question by Deputy J.H. Young of St. Brelade on 5th November 2012, the Minister replied: "*The change in policy does not exclude natural parents. Although the first point of assessment will now be the household, the divorced or separated natural parents can still opt to have their income taken into account*".

The foregoing clearly demonstrates a shift away from natural parent to new partner. However, in answer to a written question by Deputy T.A. Vallois of St. Saviour on 20th November 2012, the Attorney General replied: "*Article 4(1) does not allow the Department to directly take into account the income of a new partner's income*".

So, apart from moral and other issues, there now appear to be legal ones as well. And that's apart from the rather absurd notion in the response to Deputy Vallois that natural parents can "*opt to have their income taken into account*". I can see the queue forming already.

The words the Minister used in his Statement above are especially relevant to correspondence I have received from a resident, which states:

*"I have a stepdaughter and her natural father refuses to allow me any legal parental powers. I'm not entitled to be her next of kin and I can't act as her guardian at school or in any part of her life. I'm married to her mother but in Law that makes no difference; I still have no rights over her. Yet this change would make me responsible for contributing to her university fees whilst having no legal say in her upbringing at all."*

This cannot be right, and I am certain the scenario will, should the Minister's changes come into being, be repeated across the Island.

Clearly, this is yet another example of a Minister, driven by financial pressure, taking the easy option. Does the proposed measure not create more work and confusion for his Department, given that it would in future include 3 dimensions: the single parent, possible maintenance from the other parent – and now the new partner? And why should a new partner be required to take on someone else's responsibility?

Perhaps it is slightly more difficult to ensure both 'natural' parents contribute – but not impossible. Why, for example, cannot the financial circumstances of an unco-operative parent be identified and taken into account by Income Tax Return data?

I am driven to make this Proposition, not only because the Minister's plans would, in my view, create an injustice, but also because he has stated he would introduce the new measures by Order. As members will know, often the first we learn about an Order is after it has come into force. There is no debate and, if we disagree with it, the only remedy is a Proposition to annul. This is another area I shall be addressing, because it is unsatisfactory that due to procedural issues an Order ends up being in force for around 6 weeks before it can be debated and rescinded.

### **Financial and manpower implications**

There are no foreseeable manpower implications in my proposition and any financial implications could, in my view, be positive.