

## Policy and Procedure on Fee Assessment

### Introduction

1. The Education (Fees and Awards) (England) Regulations 2007, and subsequent amendments, govern the definition of 'home' students for the purpose of fees. The Higher Education Funding Council for England applies the same regulations for funding purposes.
2. The College definition, for fees purposes, of a "home" or "overseas" student is therefore dependent on The Education (Fees and Awards) (England) Regulations 2007 definition, and subsequent amendments.
3. Each student will be assessed, prior to initial registration, as to the correct fee status. This Policy outlines how that assessment will take place, as well as outlining the provision for any appeal against a decision on fee status.
4. All relevant documentation related to a fee assessment must be submitted to [applications@bbk.ac.uk](mailto:applications@bbk.ac.uk) before enrolment. After enrolment it is not possible to change the decision of a fee assessment.

### Criteria

5. Students within a number of categories are classified as 'home' for fees purposes. The main categories<sup>1</sup> are:
  - 5.1 Settled in the UK
    - 5.1.1 You are 'settled' in the UK if you are a British citizen or you have 'Right of Abode' in the UK or you have Indefinite Leave to Enter/Remain (ILE/R) in the UK.
    - 5.1.2 You must be 'settled' in the UK on the first day of the first academic year of the course; and
    - 5.1.3 you must be 'ordinarily resident'<sup>2</sup> in the UK on the 'first day of the first academic year of the course'<sup>3</sup>; and
    - 5.1.4 you have been ordinarily resident in the UK and Islands for the three year period immediately prior to the first day of the first academic year of the course; and
    - 5.1.5 the main purpose for your residence in the UK and Islands must not have been to receive full-time education during any part of that three-year period.
  - 5.2 Recognised as a Refugee by the UK Government
    - 5.2.1 You must be ordinarily resident in the UK on the first day of the first academic year of the course; and

---

<sup>1</sup> This is not an exhaustive list of categories

<sup>2</sup> You are ordinarily resident if you habitually, normally and lawfully been resident from choice

<sup>3</sup> Please see Paragraph 7 for definition

5.2.2 on the first day of an academic year of the course, you must be a refugee recognised by the UK Government; and

5.2.3 you have not ceased to be ordinarily resident since you were recognised as a refugee.

### 5.3 EU National

5.3.1 You must be an EU national on the first day of an academic year of your course; and

5.3.2 you must be ordinarily resident in the EEA and/or Switzerland and/or the overseas territories for the three years prior to the first day of the first academic year of the course; and

5.3.3 the main purpose of your residence in the EEA and/or Switzerland and/or the overseas territories must not have been to receive full-time education during any part of the three-year period

### 5.4 Long residence

5.4.1 If you are under the age of 18, you must have lived in the UK throughout the seven-year period immediately preceding the first day of the first academic year of the course<sup>4</sup>

5.4.2 If you are aged 18 or above you must have lived in the UK for either half your life or for a period of twenty years immediately preceding the first day of the first academic year of the course

5.4.3 In both instances, you must also meet the following requirements:

- You must be ordinarily resident in England on the first day of the first academic year of the course; **and**
- You must have been ordinarily resident in the UK and Islands throughout the three-year period preceding the first day of the first academic year of the course; **and**
- Your residence in the UK and Islands must not have been, during any part of that three-year period, wholly or mainly for the purpose of receiving full-time education

### 5.5 EEA/Swiss workers

5.5.1 You must be ordinarily resident in the UK on the first day of the first academic year of the course, unless you are an EEA or Swiss frontier worker or relevant family member of a frontier worker<sup>5</sup>; **and**

5.5.2 You must be a non-UK EEA national, or a Swiss national, and resident in the UK as a worker or the relevant family member of such a worker; **and**

---

<sup>4</sup> See paragraph 7 for definitions

<sup>5</sup> A frontier worker is an EEA/Swiss national who works in the UK but who resides in Switzerland or the territory of an EEA state other than the UK and returns to their residence at least once a week

5.5.3 You must have been ordinarily resident in the EEA and/or Switzerland and/or the overseas territories for the three year period immediately preceding the first day of the first academic year of the course

6 It should be noted that fee status relates to residence and not nationality. In particular, British citizens who have not lived in or maintained a relevant connection with the United Kingdom over the three years prior to beginning their programme will normally be classified as “overseas” students for fee purposes.

7 The first day of the first academic year of the course is calculated as follows:

<b>For courses starting:</b>	<b>First day of academic year</b>
On or after 1 August and on or before 31 December	1 September
On or after 1 January and on or before 1 April	1 January
On or after 1 April and on or before 1 July	1 April
On or after 1 July and on or before 1 August	1 July

8 The College is guided by the supplementary information and training provided by the UK Council for International Student Affairs (UKCISA) on fee assessment. Full details can be viewed at:

<http://www.ukcisa.org.uk/International-Students/Fees--finance/Home-or-Overseas-fees/England-Higher-Education/>

9 All College staff undertaking fee assessment are normally required to complete initial training with UKCISA.

### **Fee assessment procedure**

10 Each applicant’s fee status will be assessed on the information supplied on their application form.

11 Each applicant is asked on application to provide a copy of their passport and any relevant documentation.

12 If the information provided on application is not sufficient to make a full assessment, the applicant will be asked to complete a Fee Assessment Questionnaire (FAQ) and to provide relevant documentary evidence.

13 Where an applicant wishes the outcome of the initial assessment to be reviewed, they will need to request this in writing or by emailing the Student Administration team at: [applications@bbk.ac.uk](mailto:applications@bbk.ac.uk). The applicant will need to

complete an FAQ and submit this with appropriate documentation to Student Administration.

- 14 Where an applicant wishes to dispute the outcome of an FAQ and request a re-assessment, they will need to request this in writing or by emailing Student Administration at [applications@bbk.ac.uk](mailto:applications@bbk.ac.uk). The applicant will be required to confirm under which category they meet the necessary criteria and provide additional documentation which supports this.
- 15 The documents submitted with the FAQ may be one or more of the following<sup>6</sup>:
  - Proof of current and previous UK immigration status
  - Proof of citizenship
  - Proof of current and previous residency in the relevant area
- 16 Each applicant/student will be required to provide satisfactory documentary evidence with their completed FAQ. Failure to provide satisfactory supporting documentation within the requested time will result in the applicant being classified as 'overseas' for fees purposes.
- 17 Each FAQ will be reviewed by a fully trained member of College staff, who may make a decision or seek further information from the applicant. Any decision will be confirmed to the applicant in writing.
- 18 Fee status is set for the duration of the student's programme of study.
- 19 In exceptional circumstances it may be possible to reassess fee status for a continuing student. This assessment is dependent on meeting the Education (Fees and Awards) (England) Regulations. A student may be re-classified as 'home' for fees purposes where their circumstances have changed partway through their programme and they have now, for example:
  - been granted full Refugee status, or
  - become an EU national, or
  - become a family member of an EU/EEA migrant worker
- 20 Any continuing student, who wishes their fee status to be re-assessed due to changes in their circumstance, must make their appeal in writing before the first day of their next academic year of study using the Appeals procedure.

### Appeals

- 21 Any appeal against a decision on fee status will be considered by the Academic Registrar or nominee. Appeals will only be considered following an FAQ reassessment as per point 14. Appeals may be made on the grounds that the assessment made does not conform to the relevant UK regulations or due to changes in circumstance of the applicant or student.
- 22 Any appeal against a decision must be made within 10 working days of receiving the outcome of the College's assessment or before the first day of an academic year, whichever is later.

---

<sup>6</sup> This is not an exhaustive list; other documents may be requested/submitted

- 23 Any successful appeal will not be applied retrospectively and there will be no adjustment or refund on fees paid in previous years.
- 24 Appeals should be submitted to [applications@bbk.ac.uk](mailto:applications@bbk.ac.uk) and should include full details of the case made, with documentation as appropriate. The Academic Registrar, or their nominee, will assess the case and may uphold the appeal and amend the appellant's fee status; request further information be provided by the appellant within a given timescale; or reject the appeal.
- 25 The decision of the Academic Registrar will be final.

June 2017