

NATIONAL HEALTH SERVICE, ENGLAND

NATIONAL HEALTH SERVICE ACT 2006

NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Student Services) Directions 2020

The Secretary of State for Health and Social Care, in exercise of the powers conferred by sections 7, 8, 272(7) and (8) and 273(1) and (4) of the National Health Service Act 2006^(a), and section 67A of the Care Standards Act 2000 ^(b) makes the following Directions:

Application, Commencement and interpretation

1.—(1) These Directions may be cited as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Student Services) Directions 2020 and come into force immediately after they are signed.

(2) These Directions apply in relation to England.

(3) In these Directions—

“Allowances” means a grant or allowance paid under the Social Care Bursary Scheme but does not include the Social Work Bursary;

“the Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)(c);

“the DHSC” means the Department of Health and Social Care; “HEI” means a higher education institution (including a university);

“the NHS Bursary Scheme” means the NHS Bursary Scheme established pursuant to section 63 of the Health Services and Public Health Act 1968^(d);

The “NHS Learning Support Fund” means a fund established pursuant to section 63 of the Health Services and Public Health Act 1968; “The Secretary of State” means the Secretary of State for Health and Social Care;

“Social Care Bursary Scheme” means the Social Care Bursary Scheme established pursuant to section 67(4)(a) of the Care Standards Act 2000 in England;

“Social Work Bursary” means the bursary paid under the Social Care Bursary Scheme to an undergraduate or postgraduate student in a social work qualifying course; and

“Social work qualifying course” means a course approved by the Health and Care Professionals Council ^(e) (HCPC) as meeting HCPC standards of education and training and providing eligibility to apply for registration as a social care worker in England.

(a) 2006 c.41

(b) 2000 c.14

(c) S.I. 2005/2414, as amended by S.I. 2006/632 and 2007/1201.

(d) 1968 c.46

(e) Established by S.I. 2002/254, as amended by section 214 of the Health and Social Care Act 2012

Functions of the Authority in relation to the NHS Bursary Scheme and the NHS Learning Support Fund

2.—(1) The Secretary of State directs the Authority to exercise all the functions of the Secretary of State in relation to the operation of the NHS Bursary Scheme and the NHS Learning Support Fund, and in particular, to—

- (a) establish in consultation with Secretary of State eligibility criteria for the payment of grants, fees and allowances under the NHS Bursary Scheme and the Learning Support Fund;
- (b) determine the amounts to be paid and the arrangements for making payments to a person who is entitled to a grant or allowance under the NHS Bursary Scheme or Learning Support Fund and pay such sums as are due;
- (c) update and publish the rules for the NHS Bursary Scheme and the NHS Learning Support Fund;
- (d) provide advice and guidance on the NHS Bursary Scheme and Learning Support Fund to Higher Education Institutions providing eligible courses and students (including prospective students); and
- (e) ensure the NHS Bursary Scheme and Learning Support Fund payment systems continue to be developed to reflect the needs of students and in accordance with relevant national policy.

Functions of the Authority in relation to the Social Care Bursary Scheme

3.—(1) The Secretary of State directs the Authority to exercise all the functions of the Secretary of State in relation to the operation of the Social Care Bursary Scheme, and in particular, to—

- (a) make arrangements to receive and process information from HEIs in relation to, and applications for, the Social Work Bursary and Allowances;
- (b) apply eligibility criteria to determine applications for the Social Work Bursary and Allowances;
- (c) make arrangements for making payments to a person who is entitled to receive the Social Work Bursary or Allowances and pay such sums comprising the Social Work Bursary and Allowances as are due.

(2) The reference to—

- (a) “eligibility criteria” in paragraph 3(1)(b) is to such criteria agreed with the Secretary of State; and
- (b) “sums comprising the Social Work Bursary and Allowances” in paragraph 3(1)(c) is to the amount of such payments agreed with the Secretary of State.

4.—(1) In exercising the functions in paragraphs 2(1) and 3(1) the Authority must comply with article 24 (1) of Directive 2004/38/EC of the European Parliament and of the council of 29 April 2004 on the rights of citizens of the Union and their family members to move and reside freely within the territory of the member states (a) (“the Directive”).

(2) In particular it must where it is necessary in order to comply with paragraphs 2(1) and 3(1) interpret the NHS Bursary Scheme, the NHS Learning Support Fund and the Social Care Bursary Scheme in accordance with Article 24 (1) of the directive by, for example reading words into or omitting words from, the NHS Bursary Scheme, the NHS Learning Support Fund and the Social Care Bursary Scheme.

(3) In complying with paragraphs 2(1) and 3(1) (and in accordance with article 24 (2) of the Directive) the Authority is not obliged to grant maintenance aid for studies, including vocational training consisting in student grants or student loans, prior to the acquisition of permanent residence, to persons other than:

(a) Directive 2004/38/EC

- (a) EEA Migrant workers or EEA self-employed workers.
- (b) EEA frontier workers or EEA frontier self-employed persons.
- (c) persons who retain the status referred to in (a) and (b).
- (d) members of families of persons falling within paragraphs (a) to (c).

5.—(1) In exercising the functions in paragraphs 2(1) and 3(1) , the Authority must seek such appropriate and timely legal advice as it considers necessary in connection with—

- (a) the interpretation of the legislation and procedures relating to the administration of the NHS Bursary Scheme, the NHS Learning Support Fund and the Social Care Bursary Scheme;
- (b) the conduct of litigation whether actual or threatened; and-
- (c) the conduct of matters in connection with the Parliamentary and Health Services Ombudsman.

(2) The Authority must notify the Secretary of State forthwith of any matter (including actual or threatened litigation) which may in the Authority’s opinion—

- (a) challenge or cast doubt upon the existing legislation, its interpretation or application; or
- (b) raise issues of financial or public policy in relation to the NHS Bursary Scheme, the NHS Learning Support Fund and the Social Care Bursary Scheme.

(3) Where the Authority notifies the Secretary of State of a matter in accordance with paragraph (2) it must—

- (a) consult with the Secretary of State about the conduct of the matter; and
- (b) ensure that the Secretary of State is kept informed of developments in and the progress of the matter.

(4) The Authority must provide advice to the Secretary of State in relation to all matters concerning the NHS Bursary Scheme, the NHS Learning Support Fund and the Social Care Bursary Scheme including in particular, actual or threatened litigation where issues of public policy or finance may arise.

(5) The Authority must keep and maintain records of—

- (a) all applications for payments under the NHS Bursary Scheme, the Social Care Bursary Scheme and the NHS Learning Support Fund; and
- (b) all students in receipt of payments under the NHS Bursary Scheme, the Social Care Bursary Scheme or the NHS Learning Support Fund.

(6) The Authority must—

- (a) provide annually to Secretary of State written reports on the grants fees and allowances made under the NHS Student Bursary Scheme, the Social Care Bursary Scheme and the Learning Support Fund;
- (b) provide to the Secretary of State by 31 December of each calendar year a list of the HEIs that intend to provide social work qualifying courses and their intended intake; and
- (c) work and liaise with the DHSC and Health Education England as appropriate.

Amendment and Revocation of Directions

6.—(1) In Direction 1 of the NHS BSA (Awdurdod Gwasanaethau Busnes y GIG) Directions 2016 (application, commencement and interpretation) omit the following words from paragraph (4)—

“the NHS Bursary Scheme” means the NHS Bursary Scheme established pursuant to section 63 of the Health Services and Public Health Act 1968”.

(2) In Direction 13 of the NHS BSA (Awdurdod Gwasanaethau Busnes y GIG) Directions 2016 (Functions of the Authority in relation to the NHS Bursary, NHS Injury Benefits Scheme, and the NHS Pension Scheme) omit references to “the NHS Bursary”.

(3) Part 1 of Schedule 2 to the NHS BSA (Awdurdod Gwasanaethau Busnes y GIG) Directions 2016 is revoked.

(4) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Amendment) (No2) Directions 2013 are revoked.

Signed by the authority of the Secretary of State for Health and Social Care

A handwritten signature in black ink, appearing to read 'Alan Robson', with a long horizontal flourish extending to the right.

Alan Robson

Date 10/7/2020

A member of the Senior Civil Service
Department of Health and Social Care