

MAINTENANCE GRANTS SCHEME FOR STUDENTS ATTENDING POST LEAVING CERTIFICATE COURSES, 2010

Name of Vocational Education Committee: CO. KILKENNY VEC

CLAUSE 1: DEFINITIONS

In this scheme:

"approved course" means a full-time Post Leaving Certificate (PLC) course of at least one year duration approved by the Minister for Education and Skills for the purposes of this scheme. (The list of approved PLC courses is available from the Vocational Education Committee);

"candidate" means the person in respect of whom a grant is being sought;

"candidates dependent on parents or legal guardian" means every candidate dependent on parents or legal guardian who is eligible to be considered under this scheme;

"mature candidate" means a candidate who is at least 23 years of age on the 1st of January of the year of entry to an approved PLC course;

"mature candidate dependent on parents or legal guardian" means a mature candidate who was ordinarily resident with her/his parents or legal guardian from 1 October, 2009;

"independent mature candidate" means a mature candidate who was not ordinarily resident with her/his parents or legal guardian from 1 October, 2009;

"dependent children" means children, including foster children, of a candidate's parents or legal guardian or children of an independent mature candidate, as the case may require, who, on 1 October 2009 were:

- (i) under 16 years of age, or
- (ii) 16 years of age or over and
 - (a) are attending a full-time course of study at an educational institution and are dependent on their parents or legal guardian, or
 - (b) are medically certified as permanently unfit for work;

"normal residence" means the permanent or home address of the candidate's parents or legal guardian. In the case of an independent mature candidate, his/her normal residence means the permanent or home address of the independent mature candidate.

"reckonable income" means-

- (a) all amounts* received or receivable by an individual without reference to his/her residence or domicile, from both Irish and foreign sources, which are liable to Irish Income Tax, Irish Capital Gains Tax or Irish Capital Acquisitions Tax, or which would be so liable but for exemptions and reliefs contained in Irish legislation, and
- (b) corresponding amounts received or receivable by individuals resident in another EU Member State which are liable to Income Tax, Capital Gains Tax, Inheritance or Gift Taxes of that State, or which would be so liable but for exemptions and reliefs contained in the legislation of that State.

*The following social welfare and Health Service Executive Payments should be excluded in the calculation of reckonable income:

- Child Benefit;
- Family Income Supplement;
- Disability Allowance (where paid to the candidate);
- Blind Pension (where paid to the candidate);
- One Parent Family Payments (Means Tested) (where paid to the candidate)
- Guardian's Payment (Previously known as Orphan's Pensions);
- Foster Care Allowance;
- Domiciliary Care Allowance and
- Carer's Allowance.

[Note: The specific calculations of the amount of reckonable income under the various headings are contained in the application form and guidance notes].

"spouse" means each person of a married couple who are living together or a man and woman who are not married to each other but are cohabiting as husband and wife;

"Vocational Education Committee" means the Vocational Education Committee named in the subtitle of this scheme.

CLAUSE 2: AWARD OF GRANTS

- 2.1** The Vocational Education Committee shall award grants to eligible candidates in accordance with the terms of this scheme. A candidate shall not be eligible to hold a grant under this scheme if s/he holds another award payable from public funds in Ireland or from other EU Member States. Such awards payable from public funds do not include awards to candidates under the Fund for Students with Disabilities.
- 2.2** A candidate shall not be eligible to hold a grant under this scheme if she/he holds the VTOS training allowance or the Back to Education Allowance.

CLAUSE 3: PERSONS TO WHOM THIS SCHEME APPLIES

This scheme applies to:

- 3.1** Candidates who are entering approved PLC courses for the first time in the 2010/11 school year;
- 3.2** Candidates are ineligible if they already hold a FETAC Level 5 qualification (formerly known as a FETAC (NCVA) Level 2 qualification), a FETAC Level 6 qualification (formerly known as a FETAC (NCVA) Level 3 qualification) or a third level qualification at Level 6 or higher. However, notwithstanding this condition candidates who already hold a qualification no higher than FETAC Level 5 (formerly known as a FETAC (NCVA) Level 2) and are now pursuing a course that offers progression may be deemed eligible for grant aid.

CLAUSE 4: ELIGIBILITY OF CANDIDATES

To be eligible to apply for a grant under this scheme, a candidate shall fulfil the following conditions as to residence, age, academic attainment, means and nationality. A candidate's status in relation to these conditions, as determined at the point of entry to an approved course, will continue to apply for the duration of their studies with the exception of the residency provisions of Clause 4.1 and the change in circumstances provision of Clause 7.1. A candidate's means will be subject to review on a yearly basis.

4.1 Residence

- 4.1.1** The candidate shall have been ordinarily resident in the State for at least three out of the last five years immediately preceding the date on which a year of study on an approved course in an approved institution commences. If not so resident, the candidate shall have been

temporarily resident outside of the State by reason of pursuing a course of study at an approved institution outside of the State but within an EU Member State, and was resident in the State for at least 3 out of the 5 years immediately preceding the date on which they commenced such course of study.

4.1.2 A candidate shall not be eligible to apply for a grant in the administrative area of more than one Vocational Education Committee.

4.2 Age

A candidate shall be at least 16 years of age on commencement of the course.

4.3 Means

4.3.1 For the award of a grant in 2010/11 school year the reckonable income must conform to the income limits set out in Appendix I. The reckonable income shall be determined by the Vocational Education Committee on the basis of information supplied in the Application Form, in accordance with the requirements of the accompanying Guidance Notes. The 2010/11 Application Form and Guidance Notes form part of this scheme.

4.3.2 For the award of a special rate of maintenance grant in respect of the 2010/11 school year, a candidate's reckonable income shall conform to the income limits set out in Appendix III. The reckonable income shall be determined by the Vocational Education Committee on the basis of information supplied in the Application Form.

4.3.3 In the case of a candidate other than an independent mature candidate, the candidate's reckonable income shall be that of the candidate and of the candidate's parents or legal guardian, except where the candidate's parents are divorced, legally separated or it is established to the satisfaction of the Vocational Education Committee that they are separated, in which case, the candidate's reckonable income shall be that of the candidate and of the parent with whom the candidate resides. [Note: See Section D of the Guidance Notes accompanying the Application Form for criteria applied by the Vocational Education Committee in establishing separation.]

4.3.4 In the case of an independent mature candidate, the reckonable income shall be that of the candidate and her/his spouse, if applicable.

4.3.5 The reckonable income shall be the income for the year ended 31 December, 2009.

4.3.6 For the award of a special rate of maintenance grant a candidate's reckonable income must, as at 31 December 2009, include one of the payments listed in Appendix III.

4.4 Nationality

Candidates must be a national of –

- (i) an EU Member State,
 - (ii) a state which is a contracting state to the EEA Agreement
 - (iii) the Swiss Confederation or
- a refugee or other person entitled for the time being to the rights and privileges specified in section 3 of the Refugee Act 1996; or
 - be a person, pursuant to the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006) –
 - (i) who the Minister for Justice, Equality and Law Reform has determined is eligible for the time being for subsidiary protection pursuant to Regulation 4 of those Regulation, or
 - (ii) to whom the Minister for Justice, Equality and Law Reform has granted permission for the time being in writing to enter and reside in the State pursuant to Regulation 16 of those Regulations; or
 - have permission to remain in the State as a family member of a Union citizen under the provisions of the European Communities (Free Movement of Persons) Regulations 2006 and 2008 and Directive 2004/38/EC of the European Parliament and of the Council; or
 - have permission to remain in the State by virtue of marriage to an Irish national residing in the State, or be the dependent child of such person, not having EU nationality; or
 - have been granted Humanitarian Leave to Remain in the State (prior to the Immigration Act 1999); or
 - be a person in respect of whom the Minister for Justice, Equality and Law Reform has granted permission to remain following a determination not to make a deportation order under section 3 of the Immigration Act 1999.

CLAUSE 5: VALUE OF GRANTS

5.1 The value of grants shall be in accordance with the annual rates specified by the Minister for Education and Skills. The rates so specified for the 2010 financial year are set out in Appendix II.

- 5.2** The value of the special rate of maintenance grant shall be in accordance with the annual rates specified by the Minister for Education and Skills. The rates so specified for the financial year 2010 are set out in Appendix IV.
- 5.3** Full or part maintenance grants are payable at either adjacent or non-adjacent rates. The Vocational Education Committee shall decide the rate applicable in each particular case, in accordance with paragraphs 5.5 to 5.6 below.
- 5.4** The special rate of maintenance grant shall be payable at either adjacent or non-adjacent rates. The Vocational Education Committee shall decide the rate applicable in each particular case, in accordance with paragraphs 5.5 to 5.6 below.
- 5.5** Except in the case of mature students, the adjacent rate of maintenance grant shall be payable in the case of a grant-holder whose normal residence is 24 kilometres or less from the PLC Centre which s/he is attending.
- 5.6** The non-adjacent rate of maintenance grant shall be payable in all other cases, including the case of all mature candidates who qualify, having been assessed either as a dependent or independent mature candidate.

CLAUSE 6: ACCEPTANCE, TENURE AND CONTINUANCE OF GRANTS

6.1 Acceptance of Grants

- 6.1.1** A successful candidate shall confirm to the Vocational Education Committee the title of the course s/he proposes to follow within such period after notification of the offer of a grant as the Vocational Education Committee may stipulate.
- 6.1.2** Where a candidate is offered a grant but does not pursue an approved course in 2010/11 school year that offer of a grant shall be deemed to have lapsed.

6.2 Tenure of Grants

- 6.2.1** Grants awarded under this scheme shall only be tenable in respect of attendance at courses approved by the Minister for Education and Skills.

6.3 Continuance of Grants

- 6.3.1** A grant awarded under this scheme shall be provisional for the 2010/11 school year and shall not be continued in any subsequent school year unless the Vocational Education Committee is satisfied that the provisions of this scheme continue to be complied with fully.
- 6.3.2** A grant is tenable for the normal duration of the approved PLC course and is renewable annually subject to satisfactory participation, attendance and the approval of the Vocational Education Committee.
- 6.3.3** A grant-holder wishing to change her/his course must obtain the prior approval of the Vocational Education Committee in order to ensure compliance with the grant continuance provisions of this scheme.
- 6.3.4** A candidate who fails the year-end examinations and wishes to repeat that year shall not be eligible for a grant in respect of that repeat year. However, if s/he is successful in the repeat year the grant may be awarded for the subsequent year(s) of that course.
- 6.3.5** Grants may not be paid in respect of a second period of attendance at the same level for a course approved for the purposes of this scheme, irrespective of whether or not a grant was paid previously. The Vocational Education Committee will have discretion to waive this provision in exceptional circumstances such as serious certified illness.

CLAUSE 7: CHANGE IN CIRCUMSTANCES

- 7.1** The eligibility of a person to whom this scheme applies for the award of a grant, or the level of a grant awarded, may be assessed or re-assessed by the Vocational Education Committee in the event of changes in circumstances relating to the following:
- (a) the candidate's reckonable income, within the meaning of Clause 4, which is likely to be permanent (i.e. likely to obtain for the duration of the approved course or for the foreseeable future);
 - (b) the number of dependent children;
 - (c) the number of children
 - (i) in full-time third level education;
 - (ii) attending a recognised PLC course, student nurse training or student Garda training;

- (iii) participating in a Fáilte Ireland (formerly CERT) course of at least one year's duration;
 - (iv) attending a full-time Teagasc course in an Agricultural College;
 - (v) attending a recognised full-time further education course, of at least one year's duration, in Northern Ireland;
- (d) normal residence;
- (e) Nationality, where the candidate becomes an Irish National or the national of another EU Member State.

7.2 The income limits applicable under this scheme in cases under Clause 7.1(a) or (b) or (c) above shall be those of the scheme of the year in which the change of circumstances occurs.

7.3 Where an adverse change in the reckonable income occurs awards or adjustments in cases assessed under this clause shall normally be made with effect from the month in which the change in circumstances occurs.

7.4. Where a positive change in reckonable income occurs during a school year, any grant awarded shall continue to be paid until the end of that school year. However, such grant-holders shall be re-assessed before the grant is renewed for the following academic year.

CLAUSE 8: PAYMENT OF GRANT

8.1 The Vocational Education Committee shall pay the grant-holder's maintenance grant in monthly instalments in arrears during the academic year. Payment shall be made subject to satisfactory participation and attendance on the PLC course.

CLAUSE 9: APPLICATION FOR GRANTS

9.1 Grant applications must be made on the official application form*, which is available from the Vocational Education Committee or www.studentfinance.ie. This form, which covers applications for both the ordinary and special rates of maintenance grant, duly completed, must reach the Committee not later than **31st August 2010**. The Committee may, however, accept an application which is not received on time and may, at its own absolute discretion, treat such application as if it had been received on time.

*The 2010/11 Application Form and Guidance Notes form part of this scheme.

9.2 A candidate whose application is deemed to be late may have his/her application processed and be awarded a grant from the commencement of the following year of her/his course.

9.3 It shall be a condition for the acceptance of an application under this scheme that, in connection with the processing of the application, the parents or legal guardian of a candidate or, in the case of an independent mature candidate, the candidate herself/himself and her/his spouse, if applicable, authorise: -

- (i) the Vocational Education Committee and the Department of Education and Skills to seek the assistance of, and supply any relevant information and documents to the Revenue Commissioners;
- (ii) the Revenue Commissioners and the Department of Social Protection to supply any relevant information or documents from their records to the Vocational Education Committee and the Department of Education and Skills and to make any enquiries and seek any documents they consider necessary to enable them to assist the Vocational Education Committee and the Department of Education and Skills;
- (iii) the Vocational Education Committee to transfer the Application Form to another VEC should that become necessary;
- (iv) the Vocational Education Committee/Department of Education and Skills to transfer information from the grant application to a central database which may be accessed by the Revenue Commissioners and the Department of Social Protection.

CLAUSE 10: DISCLOSURE OF INFORMATION

10.1 Details of the amount of grant payable under this scheme in respect of a grant holder may be made available to other Government Departments/Offices and public service agencies, subject to compliance with the Data Protection Acts, 1988 and 2003. Vocational Education Committees are requested to ensure that VEC Officials, Committee Members and Relevant External Members are aware that any data held by the VEC in relation to students grant applications may not be published and any data held by the VEC in relation to individual students is subject to the terms of the Data Protection Acts 1988 and 2003.

CLAUSE 11: DECLARATION OF INCOME AND OTHER INFORMATION

11.1 A declaration of reckonable income shall be made by the candidate and the candidate's parents or legal guardian or, in the case of an independent mature candidate, by the candidate and the

candidate's spouse, if applicable, and they shall submit to the Vocational Education Committee such information and documentation as may be required by it to process the application in full. It will be the responsibility of applicants to ensure that the statement of income and other details sought is full and complete in every respect. **If an applicant's failure to provide this full and complete information be the result of a deliberate material omission or inaccuracy, the applicant(s) will be liable to prosecution, loss of grant and repayment, with interest, of any portion of a grant already received.**

CLAUSE 12: DETERMINATION OF DISPUTES

- 12.1** Where an applicant has been refused a grant under this scheme by a Vocational Education Committee, s/he may appeal that decision to that Vocational Education Committee not later than 30 days after receipt of the decision. This period may be extended by the Vocational Education Committee (at the request in writing of the applicant) for a further period not exceeding 30 days.
- 12.2** Where, following the exhaustion of this appeal procedure, the applicant is of the view that the Vocational Education Committee has interpreted or construed this scheme incorrectly, s/he may submit his or her question or dispute as to that interpretation or construction to the Minister, whose determination thereon shall be final, not later than 30 days after receipt of the appeal decision from the Vocational Education Committee. This period may be extended by the Minister (at the request in writing of the applicant) for a further period not exceeding 30 days.

APPENDIX I

2010 MAINTENANCE GRANTS SCHEME FOR STUDENTS ATTENDING PLC COURSES

Reckonable Income Limits for the ordinary rates of grant*

for the period 1 January 2009 to 31 December, 2009 (the tax year 2009)

Number of Dependent Children	Full Maintenance (100%)	Part Maintenance (75%)	Part Maintenance (50%)	Part Maintenance (25%)
Less than 4	€41,110	€42,235	€44,720	€47,205
4 – 7	€45,165	€46,415	€49,145	€51,880
8 or more	€49,045	€50,400	€53,360	€56,320

* In the 2010/11 school year where 2 or more children (or the candidate's parent or legal guardian) are pursuing a course of study listed below the reckonable income limits for Full Maintenance (100%) may be increased by €4,980 where there are 2 such children, €9,960 where there are 3 such children and so on, by increments of €4,980.

For the Part Maintenance at 75%, 50% and 25%, the reckonable income limits may be increased by €4,815 where there are 2 such children, €9,630 where there are 3 such children and so on, by increments of €4,815.

- (i) attending full-time third level education;
- (ii) attending a recognised PLC course, student nurse training or student Garda training;
- (iii) participating in a Fáilte Ireland (formerly CERT) course of at least one years duration;
- (iv) attending a full time Teagasc course in an Agricultural College;
- (v) attending a recognised full-time further education course, of at least one year's duration, in Northern Ireland.

APPENDIX II

2010 MAINTENANCE GRANTS SCHEME FOR STUDENTS ATTENDING PLC COURSES

Maintenance Grants Rates

	Non-Adjacent Rate	Adjacent Rate
Full Maintenance	€3,250	€1,300
Part Maintenance (75%)	€2,435	€980
Part Maintenance (50%)	€1,625	€650
Part Maintenance (25%)	€810	€330

APPENDIX III

SPECIAL RATE OF MAINTENANCE GRANT

For the award of a special rate of maintenance grant in respect of the 2010/11 school year, a candidates reckonable income (for the period 1 January 2009 - 31 December 2009, the tax year 2009) shall not exceed: -

- **€22,703**
 - net of standard exclusions (as set out in Clause 1 of this scheme)
 - and
 - net of Child Dependant Increase (C.D.I.) paid by the Department of Social Protection

As at 31 December 2009, this reckonable income must include one of the social welfare payments listed below.

LIST OF ELIGIBLE PAYMENTS

1. SOCIAL ASSISTANCE PAYMENTS

New Name	Old Name
Blind Person's Pension	
Carer's Allowance	
One Parent Family Payment	Deserted Wife's Allowance Lone Parent's Allowance Prisoner Wife's Allowance
Disability Allowance	
Farm Assist	
Jobseeker's Allowance (where held for 391 days or more)	Unemployment Assistance
State Pension (Non-Contributory)	Old Age (Non-Contributory) Pension
Guardian's Payment (Non-Contributory)	Orphans (Non-Contributory) Pension
Pre-retirement allowance	
Widow's/Widower's (Non-Contributory) Pension	

APPENDIX III (continued)

2. SOCIAL INSURANCE PAYMENTS

New Name	Old Name
Carer's Benefit	
One Parent Family Payment	Deserted Wife's Benefit
Invalidity pension	
Incapacity Supplement	Unemployability Supplement
Occupational Injuries Death Benefit (Orphan's Pension)	
Occupational Injuries Death Benefit (pension for a widow or widower)	
State Pension (Contributory)	Old Age Contributory Pension
Guardian's Payment (Contributory)	Orphan's (Contributory) Allowance
Jobseeker's Benefit (continuous for at least 12 months)	Unemployment Benefit
Widow's/Widower's (Contributory) Pension	
State Pension (Transition)	Retirement Pension

3. FAMILY INCOME SUPPLEMENT (FIS)

4. DESIGNATED PROGRAMMES

Back to Education Allowance (Second Level and Third Level Option)
Back to Work Allowance (Employees)
Back to Work Enterprise Allowance
Community Employment Scheme
Rural Social Scheme
FÁS Training Programmes, including Apprenticeships
Part Time Job Incentive Scheme
Vocational Training Opportunities Scheme (VTOS)

5. OTHERS

In receipt of payments under the Fáilte Ireland Skills Programme equivalent to a social welfare payment;
In receipt of payments under the FIT (Fastrack to IT) initiative equivalent to a social welfare payment;
Participants on a training course approved by a Government Department, State Agency or Area Partnership and who were in receipt of an eligible payment prior to progressing to the programme;
Grant aided employees in social economy enterprises;
In receipt of payments under the Senior Traveller Training Centre programmes.

APPENDIX IV

SPECIAL RATE OF MAINTENANCE GRANT FOR 2010/11

Grant	Standard Grant	Special Rate Amount	Total Grant
Non-Adjacent Rate	€3,250	€3,105	€6,355
Adjacent Rate	€1,300	€1,245	€2,545

EU / EEA COUNTRIES

	<u>EU Country</u>	<u>EEA Country</u>
Austria	√	√
Belgium	√	√
Bulgaria	√	√
Cyprus	√	√
Czech Republic	√	√
Denmark	√	√
Estonia	√	√
Finland	√	√
France	√	√
Germany	√	√
Greece	√	√
Hungary	√	√
Iceland	X	√
Ireland	√	√
Italy	√	√
Latvia	√	√
Liechtenstein	X	√
Lithuania	√	√
Luxembourg	√	√
Malta	√	√
Netherlands	√	√
Norway	X	√
Poland	√	√
Portugal	√	√
Romania	√	√
Slovakia	√	√
Slovenia	√	√
Spain	√	√
Sweden	√	√
United Kingdom	√	√