



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

Agriculture (Student Fees) (Amendment)
Regulations (Northern Ireland) 2012

18 September 2012

NORTHERN IRELAND ASSEMBLY

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Agriculture (Student Fees) (Amendment) Regulations (Northern Ireland) 2012

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Members present for all or part of the proceedings:

Mr Paul Frew (Chairperson)
Mr Joe Byrne (Deputy Chairperson)
Mr Thomas Buchanan
Mr Trevor Clarke
Mrs Jo-Anne Dobson
Mr Chris Hazzard
Mr William Irwin
Mr Declan McAleer
Mr Kieran McCarthy
Mr Oliver McMullan
Mr Robin Swann

Witnesses:

Ms Rosemary Agnew	Department of Agriculture and Rural Development
Mr Norman Fulton	Department of Agriculture and Rural Development

The Chairperson: I welcome Mr Norman Fulton, the Department's chief agricultural economist and Ms Rosemary Agnew, principal officer. I will ask you to make a short presentation, and then members will take the opportunity to ask questions.

Mr Norman Fulton (Department of Agriculture and Rural Development): With your permission, Chairperson, I will give a brief update on the background and then I will address questions on which members have sought clarification, as advised to us by the Committee Clerk.

As you are well aware, the approach to higher education fees has changed quite significantly over the past couple of years across the UK. Effectively, each UK Administration has chosen its own particular pathway. In England, fees are generally between £6,000 and £9,000, and those apply equally to domestic students and those from other parts of the UK or the EU.

In Wales, there is a system for providing grants for student fees to cover any excess over £4,000. That applies to Welsh students, regardless of where they are taking their studies. In Scotland, there are no tuition fees for Scottish students studying in Scotland. However, the Scottish higher education institutions set their own fees for students from elsewhere in the UK.

In Northern Ireland, the Executive decided to maintain the status quo in relation to our fee framework, subject to the usual inflationary uplifts each year, but agreed to introduce legislation that would allow higher education establishments in Northern Ireland to set higher fees for students who are from outside Northern Ireland but from within the UK.

The general framework created a risk for the College of Agriculture, Food and Rural Enterprise (CAFRE) in respect of the availability of places for Northern Ireland students. Although CAFRE fees sit within the Department for Employment and Learning (DEL) fee structure, the fee charges for this current year would be £1,380 for a full-time higher education student, which is very considerably below the fee levels that are being charged in some other parts of the UK. Therefore, there is a serious risk that there would be an attraction of students from other parts of the UK to study at CAFRE and, because places are limited, local students would be displaced.

We identified that risk and brought forward proposals to address it, and that was the subject of the consultation that we ran earlier in the year and which was presented to the Committee. We looked at four options in that consultation, ranging from charging students from other parts of the UK the same fees as students from Northern Ireland through a range of options up to a maximum of £9,000.

Our recommended approach in the consultation was to apply the £9,000 fee. We saw that as the only option for completely mitigating the risk of diversion of our students to elsewhere in the UK. We had a very limited response to the consultation, and there was broad agreement with that approach. That was the basis for coming back to the Committee with the statutory rule (SR) in June and the laying of it at that point. That is the background.

In respect of some of the questions that were posed by the Committee, first, the legalities and the EU legislation constrains us in our action here in what we might charge students from other EU member states. That comes from a couple of pieces of EU legislation. Article 18 of the Treaty on the Functioning of the European Union requires that there shall not be any discrimination on the grounds of nationality. That is clearly set out in the treaty. Directive 2004/38/EC on the rights of citizens of the EU and their families to move and reside freely within the territory of member states says:

"In accordance with the prohibition of discrimination on the grounds of nationality, all Union citizens and their family members residing in a Member State on the basis of this Directive should enjoy, in that Member State, equal treatment with nationals in areas covered by the Treaty".

That means that we cannot treat nationals from other EU member states any less favourably than we treat Northern Ireland students. That is set down in EU law. Therefore, we must abide by that. However, that does not apply to students from elsewhere within this member state. That is the accepted interpretation of the law. It is also the same application of EU law that pertains in Scotland. I am sure that the Committee is aware of the loophole that exists in Scotland whereby Northern Ireland students who are Irish passport holders can effectively be treated in accordance with that EU requirement. Therefore, fees cannot be levied on them because Scottish students are treated in that way. We have circulated a copy of the extracts from the relevant legislation to the Committee. That is the basis of the EU legislation governing this particular issue.

The second question was about what happens, in fee terms, if a Northern Ireland student decides to attend a GB agricultural college, including, but not exclusively, Harper Adams. The answer is that Northern Ireland students are subject to the fees that are chargeable in that region for UK students who are not from that region. Therefore, in the case of Harper Adams, the fee is £9,000. That is also the fee that Harper Adams charges English students.

In the Scottish Agricultural College, if a student is from Scotland, there is no fee, but if the student is from elsewhere in the UK, including Northern Ireland, the fee is £6,750. In Cirencester, the fee is £9,000. In Plumpton College in Sussex, the fee is £6,900. In Writtle College in Chelmsford, the fee is £8,000, and Aberystwyth College in Wales charges £9,000. Therefore, that follows the same sort of approach that I have described.

If a Northern Ireland student decides to attend a UK university, they will enjoy the same framework of support as they would if they were attending non-agricultural courses in colleges. They are eligible for a maximum fee loan up to the value of the fee being charged, plus a maintenance loan. Means-tested maintenance grants are also available. Therefore, the normal package of support is available to students attending agricultural colleges across the water.

The third question was about the interaction or interface between higher education that is governed by DEL, and CAFRE, which is governed by the Department of Agriculture and Rural Development (DARD). As you know, agrifood education is provided by DARD at CAFRE, and it sits outside the DEL arrangements for HE and FE. However, when it comes to fees, we seek to mirror the DEL framework. DARD's authority for involvement in education and training comes from the Agriculture Act (Northern

Ireland) 1949, which enables us to provide or arrange for instruction in agriculture and related subjects. It also provides us with broad powers to charge fees. That is the basis on which we operate and it is, obviously, separate from the DEL legislation.

When tuition fees for full-time HE courses were first introduced across the UK in 1998, DARD followed suit. That ensured parity of approach for students who attended higher education courses at CAFRE rather than higher education establishments elsewhere in Northern Ireland. So it was the same approach. We maintained that parity of approach when the variable fees were introduced in 2006. However, we opted to apply the minimum basic fee that exists in the framework, which, for 2012-13 and under the SR you have before you, would be £1,380.

The fourth question you asked was about the Executive's position. As you know, the Executive decided that tuition fees for Northern Ireland residents studying at HE colleges in Northern Ireland should be subject to an annual inflationary increase only. In other words, the Executive decided to maintain the status quo. However, they also agreed to legislate to provide scope for our local universities to charge students from the rest of the UK differentially. Therefore, our universities can and do charge higher fees to students from other parts of the UK who come to study here. The Executive did not take any position on CAFRE fees, which was not part of their consideration. However, as I said, we seek to mirror the DEL framework at CAFRE.

Finally, the Committee asked about the implications of the SR not going through. If the SR is not approved, the 2011 SR will continue to operate. That means that the fee for full-time HE courses in CAFRE will be £1,310 and £650 for part-time courses. That would apply to all students regardless of where they come from, be it from Northern Ireland, GB or wherever. That would put DARD outside the DEL framework and the framework agreed by the Executive for HE fees in Northern Ireland. It would also mean that prospective students for 2013-14, who are thinking about where they may attend college, would see CAFRE as a very low-cost option for agricultural education. That would particularly be the case if they are from other parts of the UK, such as England, where they face fees of £9,000. That opens up the risk of distortion and the displacement of Northern Ireland students who would otherwise study at CAFRE. As I said earlier, CAFRE has a finite number of places. It offers those places strictly on merit, and that risk would be reopened for the coming year.

Moreover, if the SR were not approved, it would disrupt the Northern Ireland student finance processes for those students who are about to, or have, commenced their 2012 studies. Those have been set in place in the expectation of charging local students fees of £1,380. We would have to work with DEL and Student Finance NI on the implications of that. DEL funds the HE loans, and Student Finance NI administers those. It is not within our gift, and we would have to explore with them the implications of changing that at this stage in the process. Finally, we would be out of step with the DEL minimum fee and with what happens in practice with other GB students who come to Queen's or the University of Ulster to study. That would place us in a unique position.

That was a quick trot through the issues and the questions that the Committee raised. We are very happy to take questions.

The Chairperson: Thank you very much for your presentation, Norman. I have a couple of questions. With regard to the £9,000 fees charged to GB students, how much of that goes to supplement the cap that we have placed on our students' fees? Is that a factor? If GB students were charged the same as Northern Ireland or EU students, how much pressure would that put on the £1,380 cap that we have set? Is that a factor, or is it purely down to the displacement of our students?

Mr Fulton: The intake at CAFRE is limited by the resources that exist there. There is a physical limitation on the number of students that it can take in, and it is more or less at capacity at this point. Therefore, if additional students were taken from GB, the knock-on effect is that fewer students from Northern Ireland could be taken.

The Chairperson: How many places are available at CAFRE?

Mr Fulton: The intake is about 180.

The Chairperson: That is the yearly intake?

Ms Rosemary Agnew (Department of Agriculture and Rural Development): Yes. That figure of about 180 applies only to the higher education courses. The intake this year is 183.

The Chairperson: What percentage of those are students from GB?

Ms Agnew: Only one of the students is from GB.

The Chairperson: Can you give us the percentage of students from the Republic of Ireland, or is that lumped in with the EU figure?

Mr Fulton: It is 25 students out of the 183. I cannot do the maths in my head to give you the percentage.

The Chairperson: Just to be clear, are those 25 students from the Republic of Ireland or from the EU generally?

Ms Agnew: They are from the Republic of Ireland. Sorry; we cannot do the percentages.

The Chairperson: You are OK. That is fine. Is there another figure for students from the other EU states?

Ms Agnew: No. There are no other EU students this year.

Mr Clarke: Norman, you gave a synopsis of the position in Wales and Scotland and you referred to Scotland as having no fees for its own students. I cannot remember what you said about fees for Northern Irish, English and Welsh students who travel to Scotland. I was one of the members who was critical last week. Even before today's meeting, I looked a wee bit further into this. I see that we are being disadvantaged in respect of the EU law. That is my opinion; that is my perception of what you have presented today. The very fact that we have to treat people from the EU who are from outside the UK the same as we treat our own Northern Ireland students disadvantages us and is unfair. That said, there is little we can do about it.

You did not touch on whether Scotland, Wales or others are applying the same rule with respect to the EU.

Mr Fulton: They are. They are bound by the same rules.

Mr Clarke: So, if, for whatever reason, someone from Northern Ireland decides to go to Scotland, they will pay £9,000 in fees?

Mr Fulton: If they are attending the Scottish Agricultural College (SAC), they pay £6,750. That is what SAC has set as its fee.

Mr Clarke: Whereas, if someone from the Republic of Ireland went there, they would get it for free?

Mr Fulton: That is correct.

Mr Clarke: If a student from here went to Wales or England, what would happen?

Mr Fulton: If a student from here went to England, they would pay £9,000 in all likelihood. If they go to Harper Adams, that would be the case, because that is what Harper Adams charges.

Mr Clarke: Everyone?

Mr Fulton: Yes, including English students. So there is no differentiation there.

In the case of Wales, it is the same approach. The Welsh Assembly provides a maintenance grant for its students for fees in excess of £4,000. So if the higher education institution charged £9,000, the Welsh Assembly would pay a grant of £5,000 to offset that, and bring it down to £4,000.

Mr Clarke: For their own residents?

Mr Fulton: Yes. Only for its own students, regardless of where they are studying.

Mr Clarke: We have focused on the UK. With regard to the Republic of Ireland, how much are their fees down there?

Mr Fulton: They do not charge a fee but a registration amount, I think it is called, and it is €2,250.

Mr Clarke: So if someone from here was foolish enough to want to go down there, how much would they pay?

Mr Fulton: They would pay that amount. Maybe I should add that, currently, DEL reimburses that registration fee, but I think that position is changing.

Mr Irwin: Thank you, Norman, for answering the questions that we submitted. It has clarified the situation for me. It seems, as you said, that the regions of the UK have done the same as we have. They have tried to protect their own students, and I see clearly what the Department has been trying to do. We had some concerns on the face of it, but once we see exactly what is happening, we fully understand that, and it certainly clarifies it for me.

Mr Fulton: Thank you.

Mr Buchanan: The whole student fee aspect of the issue received quite a bit of discussion at DEL and, obviously, we know the decision that we came up with there. We seem to be governed by EU legislation here. If we were to change things and charge UK students from outside Northern Ireland the same fee as we are charging for our own students, what impact would that have on our own students with the influx that would be come in?

Mr Fulton: There is a finite number of places at CAFRE, so if significant numbers of GB students displaced Northern Ireland students who may otherwise have studied at CAFRE, they may then have to seek to pursue agricultural or agrifood studies elsewhere in the UK or in the Republic of Ireland at a much higher fee, or maybe even study non-agrifood-related topics. They may simply decide a different career pathway if they wish to stay within Northern Ireland, for example.

Mr Buchanan: While all other regions would be protecting their own students, we would be opening up a door whereby our own students, due to a lack of places because of others coming in, would have to go elsewhere. They would be disadvantaged in that they would have to go all across the world to study agriculture for a much higher rate.

Mr Fulton: That is correct.

Mr Byrne: Chairman, apologies; I had to nip out, but I thank Norman and Rosemary for their clarification. I am satisfied with that clarification.

Mrs Dobson: Norman, I am delighted that so many Northern Ireland students want to go to our colleges. My husband and son went to Greenmount Agricultural College. I want to ensure that Northern Ireland students continue to study here but surely preference for Northern Ireland students could be achieved through weighted grading. You spoke quite a lot about risk. I think you said it would open up a risk of distortion. Would weighted grading not sort that out?

Mr Fulton: What you are effectively saying is, maybe, to set a higher hurdle for GB students in the grades required to get into a course.

Mrs Dobson: Northern Ireland students, with weighted grading, would get in first.

Mr Fulton: It is another way to do, more or less, the same thing, in that to get into a course, you may say to a Northern Ireland student that we will require three Cs at A level and say to a GB student that we require three As to get into that same course. That raises issues and questions. For a student from England, our approach means that, whether that student chooses to attend Harper Adams, for example, or to come to CAFRE, it is the same fee.

Mrs Dobson: Harper Adams is a university. Are we not talking about further education colleges?

Mr Fulton: No; it is HE we are talking about. If we were to go down the other route, he or she may find that attending an agriculture course at Harper Adams may require three Cs, but if they want to come to Northern Ireland, it would be three As. Therefore, it may appear more unfair to go down that route and try to manipulate the —

Mrs Dobson: I do not think that there is anything as unfair as, as I worked it out, about a 650% disadvantage in fees for other students from the UK. We are part of the UK, and that is why I would like you to explain a wee bit more about Northern Ireland domain equality. Why is it a breach of an EU directive when we are all part of the UK? I do not understand the rationale behind that.

Mr Fulton: The EU legislation relates only to the treatment of nationals from other EU member states; it does not relate to the treatment within a member state of individuals coming from other parts of that member state. It is really about how we treat nationals from other EU member states. That is as far as the treaty and the EU legislation goes.

Mrs Dobson: It is ironic that EU legislation, which is designed to bring together European countries, is being used in a political way to drive a wedge between Northern Ireland and other regions of the United Kingdom.

Mr Fulton: It is not really a political issue; it is more of a practical issue around the protection of places at CAFRE for Northern Ireland students. The only other way that we could do this — if you wanted to get to a situation of saying that the same fee shall be applied regardless of where the student comes from and we avoid distortion in the CAFRE system — would be to charge everyone £9,000, whether that student comes from Northern Ireland, the Republic of Ireland or England. There would be parity of treatment, and it would not introduce an artificial incentive for an English student to come to CAFRE because the £9,000 fee would be payable regardless of whether that student attends an English university or comes to CAFRE. Charging our local students £9,000 is not a route that we want to go down; it would clearly put us way out of step with any other Northern Ireland student studying at a Northern Ireland university, where the fee is, I think, £3,465.

I understand your concerns about the particular quirks that arise from the treaties and the EU legislation. It applies to us equally as it applies to Scotland, for example. I am sure that you are aware of the loophole that has existed in Scotland whereby, if you hold an Irish passport and you are from Northern Ireland, you can avoid paying any fees in Scotland.

Mr Clarke: That has changed.

Mr Fulton: They have tried to move now to close off that loophole —

Mr Clarke: They have done it.

Mr Fulton: — for next year's intake.

The Chairperson: Just to be clear on the disadvantage bit: for an English student who could well contemplate going to Harper Adams but is maybe considering Northern Ireland, it is still £9,000 —

Mr Fulton: Yes.

The Chairperson: It is not an increase to come here.

Mr Fulton: No.

The Chairperson: Whatever they do, they are going to pay their £9,000?

Mr Fulton: Yes.

Mr Clarke: I was thinking about something that Norman said earlier about the merit principle. Jo-Anne made me nervous; I was scared that she was trying to convince Norman to go to £9,000 for everyone, but I do not think that was the case.

Mrs Dobson: It is not often I make you nervous, Trevor.

Mr Clarke: You definitely made me nervous at that stage. *[Laughter.]*

Mrs Dobson: That is a first.

Mr Clarke: I was thinking about the merit principle, and I know where Jo-Anne was going with that thought. Applying the merit principle would mean £9,000 for everyone. We are here, first and foremost, for residents in Northern Ireland. I imagine that most of us in the room would prefer to have good links with the Union as well in terms of the rest of the UK, but unfortunately the UK has forgotten about us in how it has set its fees, so we have to protect our students here in Northern Ireland. It looks, unfortunately, like this is the only option that we have, given the restrictions that we have with the EU. I am glad that you teased that one out, Jo-Anne, but you made me nervous.

Mr Swann: Norman, I just want short, sharp answers; I do not need any great detail. Does CAFRE actively recruit students from the Republic of Ireland?

Mr Fulton: I do not believe that it does, no. Students, obviously, will look at all their options, but I do not believe that —

Mr Swann: There are no student fees, student fairs or fresher fairs, and there is no promotion of CAFRE courses throughout the Republic of Ireland?

Mr Fulton: Not that I am aware of, but we can certainly check that out for you and come back and confirm that.

Mr Swann: On the same note, is there any promotion of CAFRE courses throughout GB?

Mr Fulton: Again, not that I am aware of, but we will certainly check that out and confirm that for you.

Mr Swann: I know that you were playing devil's advocate when you said that we would charge everybody £9,000, and I know that was to purposely stir and agitate and gain the response that it got. Is DARD's proposal to increase fees solely about the exclusion or the reduction of GB students coming into CAFRE colleges or is it a financial decision?

Mr Fulton: No; it is purely to protect the college places for local students. It is to avoid the distortion. It is not a financial decision; the amount of money involved is minimal. Considering the cost of running the college, a few thousand pounds extra is not a material consideration. It is really about ensuring that there is no distortion of where students decide to pursue their studies. The framework that we have put in place means that if a student is sitting in England, regardless of whether he chooses to study in Harper Adams, Cirencester or CAFRE, the fee is the same. Therefore, the choice will be governed on which college will give the student what he wants. However, if we were to go down the route of saying that we will charge everyone £1,380, regardless, you then have a very clear financial incentive for that student to decide that CAFRE is the one for him simply because it is a cheaper route to getting a degree. Therefore, you get that distortion.

Mr Irwin: I just want to make a comment. It is very good that, in Northern Ireland, we have been able to keep fees very low. Certainly, in looking at this rationally and seeing your response in the cold light of day, we can say that it is sensible to protect our own students. Wales has done that, other regions have done that, and we think that it is perfectly legitimate to do that.

The Chairperson: OK. Are there any further comments or questions?

Norman and Rosemary, thank you very much for your attendance here today. You have shed much light on the subject for our members, and we appreciate it.

Members, hopefully, we have delved into this issue. We have been able to defer it until today. We cannot defer it any longer; we must make a decision today. To keep the protocols right, I will put the question, and we will see what happens after that. Regarding the process, I put the question that the Committee has no objection to the rule. If the Committee does have an objection to the rule, we will have to put a second question to the Committee recommending that it be annulled by the Assembly. If

that is agreed, we will then have to approve a motion before the Assembly. However, if there is no objection to the rule, the one question does us.

The question is that the Committee for Agriculture and Rural Development has considered SR 2012/254, the Agriculture (Student Fees) (Amendment) Regulations (Northern Ireland) 2012, and has no objection to the rule.

Members indicated assent.