

Request Reference: 07-17

Date of Response: 31/01/2017

Request

I refer to your email and letter dated 04/01/2017 requesting the following information under the Freedom of Information Act 2000 ("FOIA"):

"The agreement an individual enters into to repay an over-payment, and the terms of their agreement in the eventuality that an over-payment of grant is awarded them.

Details that were used to determine the grant amounts for all years of study

What details were misunderstood/mistaken that led to the over-payment of the grant

The policies and guidance that are used to govern how an over-payment of grant is collected from an individual. This will include information relating to, but not limited to:

*the timescale of when repayment of an over-payment of grant should/must be commenced or repaid
how the Student Loans Company goes about collecting the over-payment*

how an individual's financial situation effects their repayment plan and when their repayment should commence

any policy relating to minimum instalments (possibly related to the individuals circumstances) to repay the overpaid grant, either weekly, monthly, etc. and

whether an individual is bound to make a minimum repayment under the terms of their agreement or if such instalment figures are guidance only

whether an individual has to make contributions to repaying an over-payment if they receive no income or are under the normal repayment threshold

if policies relating to repayments of overpaid grant are connected to the income of an individual, what is classed as income?"

Please accept our apologies for your email to our Collections Department being responded to in the way it was. There are processes in place for freedom of information ("FOI") requests received by any department within the Student Loans Company Limited ("SLC") to be forwarded to the FOI Office. We have raised this with the Collections Manager and can advise that Collections staff are provided with instructions on the process for FOI requests, which confirm that requests should be forwarded immediately upon receipt to SLC's FOI Office. A reminder has been issued to Collections staff who respond to incoming emails, with reminders to be issued bi-annually going forward.

It is noted that your first question and your fourth question apart from the addition of “...or are under the normal repayment threshold” at the end of the sixth part of your fourth question, is verbatim to the requests submitted via whatdotheyknow.com in 2011 (available at https://www.whatdotheyknow.com/request/policies_regarding_overpayments) and 2016 (available at https://www.whatdotheyknow.com/request/student_loans_company_grant_over#incoming-769140), and also a request submitted directly to SLC in 2012 (available at http://www.slc.co.uk/media/5158/foi_response_105-12.pdf). Your second and third questions are verbatim to the request submitted via whatdotheyknow.com in 2016.

Although you have requested a response by letter, given the number of internet links being referred to below, we are issuing our response by letter and email.

Response

Please note that this response relates primarily to grant overpayments in England, however also covers grant overpayments in Wales and Northern Ireland. SLC is not involved in recovering grant overpayments for customers applying to the Student Awards Agency of Scotland.

I can confirm that the information you have requested is held by SLC. However, with the exception of the most recent version of our Recovery of Grant Overpayment Work Instruction, the information is exempt from disclosure under section 21(1) of the FOIA as it is reasonably accessible to you by other means. Please refer to our previous responses which are still applicable, particularly our 2016 response referred to above.

The student declaration form for academic year 2016/17 can be found at the following link:

http://media.slc.co.uk/sfe/1617/ft/sfe_pn1_form_1617_d.pdf, pages 24 and 25.

Declaration forms, or links thereto, dating back to academic year 2009/10 to 2015/16 can be found in our previous responses. If you require copies of any declaration forms for any earlier years or for Wales or Northern Ireland please advise by return.

Our 2016 response confirms the specific clause in the declaration form which covers grant overpayments.

In response to your second and third questions, your wording is the same as the 2016 whatdotheyknow.com request, and as our response remains the same as that in our response which is available through the second link provided above. However, while the FOIA is applicant and motive blind in almost all cases, given the context of your request and the other parts of your letter I have arranged for you to be provided with a detailed breakdown of your grant entitlement for each year and how the grant overpayment arose in your case outwith the scope of the FOIA. This will be provided under separate cover in due course.

The only information that has been updated since our 2016 response was issued and which is not already available in the public domain is the most recent version of our Recovery of Grant Overpayment Work Instruction.

Please find attached the current version of our Recovery of Grant Overpayment Work Instruction as this has been updated from the version that is already in the public domain. This is used by our Collections Department when recovery of a grant overpayment is directly repayable by the customer.

Please note the names of any members of staff have been redacted as this information is considered exempt from disclosure under section 40(2) of the FOIA. Section 40(2) exempts information from disclosure if that information constitutes personal data of someone other than the applicant and if disclosure of that information would contravene any of the Data Protection Principles in Schedule 1 of the Data Protection Act 1998 ("DPA"). The definition of personal information to which section 40 applies can include reference to identifiable individuals, in this case, junior members of SLC staff. In this case, SLC considers that the names of these individuals fall within the ambit of the First Data Protection Principle, that personal data must be processed fairly and lawfully and, in particular, must not be processed unless at least one of the conditions in Schedule 2 of the DPA is met. The staff members named in the document are junior members of staff, and it is considered unfair to the individuals concerned to release their name into the public domain. Our view is therefore that release of the staff names would not be fair and that none of the conditions of Schedule 2 are met. The exemption from the duty to disclose personal data, where to do so would breach a Data Protection Principle is an absolute exemption; the public interest test in section 2 of the FOI Act does not apply.