



nus report

Evaluating Estrangement:

a report into the estrangement application process
in higher education student finance



national union of students

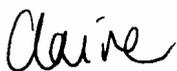
Foreword

"If a young person cannot talk to their parents, but is focused enough to want an education and better prospects in life, then the government should be doing everything it can to support and encourage young people where their parents have failed." Female undergraduate student.

The above quote from one of our research participants sums up the spirit and background to this report. The project came about as a result of lesbian, gay, bisexual and trans (LGBT) students sharing their own personal experiences of being estranged from their parents through NUS LGBT Campaign networks. These were students who had been disowned by their parents and thrown out of home because of their sexuality or gender identity, who had then struggled to access the financial and emotional support that they needed to start or continue in higher education.

We knew that more information was needed about this particular problem in order to tackle it. As the report shows however, the issues raised by applying for independent status on the grounds of estrangement do not just affect LGBT applicants. We are proud that the NUS LGBT Campaign has initiated a piece of research that seeks solutions to a problem that could be experienced by any student or potential student.

We would like to thank all of the research participants for sharing their sometimes difficult experiences, and the student advisers who responded to our questionnaire. We look forward to working with the government in progressing the recommendations of the report to improve the experience of applying for estrangement status for applicants, advisers and awarding bodies.



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Executive Summary

For more than 45 years the grants, loans and other financial report a young undergraduate student receives has been means-tested on their parents' income. However, for a small number of students this assessment cannot be made as the relationship between parent and child has completely broken down.

Estrangement status is a feature of student support in England, Wales and Northern Ireland that allows such students to be treated as independent of their parents for the means test, assuming they can provide sufficient evidence.

Given the complicated nature of such relationships it is necessarily a discretionary process, in which those assessing student finance use loose guidance to make a decision based on an individual set of circumstances. Inevitably in such a system inconsistencies arise, but when anecdotal evidence and casework suggested that these inconsistencies were so great as to be causing unnecessary distress to applicants, or even preventing them from taking part in higher education, NUS felt it had to conduct more indepth research.

Moreover, as many of the students involved were estranged because of a negative family reaction to the students' sexuality or gender identity, we felt it was appropriate to look particularly at LGBT students and their experiences.

The number of students applying for estrangement status is low, and difficult to identify. We were successful in contacting 30 such students but nevertheless our sample size is small. However we also surveyed a number of student advisers in both institutions and students' unions, and their experiences dealing with student clients supported the claims made by the students themselves.

The findings suggest that some funding bodies, although not deliberately discriminatory, are failing to provide the greatest possible support to those students through a mixture of misinterpretation of the guidance, overzealousness in protecting public funds, and in some cases insensitivity to the situation the students were in.

Our key findings included:

- Local authorities (LAs) expecting evidence of estrangement to come solely from "formal" sources such as the police or social services, even when such bodies had no reason to be involved with that student or their family;
- LAs expecting the student to provide evidence from the parents from whom they are estranged confirming that they have no contact;
- LAs strictly enforcing a rule of one year of no contact between parents and child, and treating even limited contact and/or failed attempts at reconciliation as invalidating any claim for estrangement;
- the types of evidence accepted or expected by funding bodies being widely divergent and resulting in something of a 'postcode lottery';
- students who received support from student advisers finding this help invaluable and most probably far more likely to be successful in their applications than those who were unsupported;
- the time taken to process estrangement applications being highly inconsistent; and
- students who failed in their applications finding a variety of alternative means of support but some choosing not to pursue their courses.

From these findings we were able to make a number of recommendations, which are covered in further detail in section 5 below. However they may be summarised thus:

- better guidance for both decision-makers and for applicants on estrangement must be provided;
- that the appropriate Government departments should look at adopting the guidance used for estrangement in Income Support applications;
- that the Scottish Government should introduce the concept of estrangement into the Scottish regulations;
- that funding bodies should adopt a range of best practice measures such as assuming the student is telling the truth at the outset, not asking for evidence from the parents of an estranged student without that student's consent, respecting the student's privacy and setting time limits on the processing of applications;
- that the process must be flexible enough that limited contact and attempts at reconciliation with parents can be allowed without automatically invalidating a student's status as estranged; and
- that data collection on estrangement applications should be greatly improved.

In light of the impending transfer of the administration of student finance in England from local authorities to the Student Loans Company, the review of the means test in Scotland, and the introduction of new equalities laws across the UK, we hope that these recommendations are considered seriously and adopted where appropriate as soon as possible.

1. Acronyms and abbreviations

DfES	Department for Education and Skills
DIUS	Department for Innovation, Universities and Skills
DWP	Department for Work and Pensions
ELB	Education and Library Boards
LA	Local Authority
LGBT	Lesbian, gay, bisexual, trans
NASMA	National Association of Student Money Advisers
NHS	National Health Service
NUS	National Union of Students
RAWS	Research and Welfare Staff network for students' unions
SAAS	Student Awards Agency for Scotland
SLC	Student Loans Company

2. Introduction

2.1 Why this report was produced

Casework handled by the Welfare Unit at NUS had suggested for some years that problems exist with the arrangements for estrangement status in student support. For many, the issues centred on the differences in the interpretation of regulations amongst different local authorities, and the arguably excessive nature of the proof some required from student applicants.

In addition, the disproportionately high number of students within NUS LGBT organising structures who had applied for estrangement status led us to consider whether estrangement was a particular problem for this group of students because of societal attitudes towards homosexuality and gender variance. Those students we spoke to had found the process of applying to be cumbersome, inaccessible and distressing, and some had experienced direct homophobia. Indeed, the experience was often a motivating factor in their decision to become politically active in the first place. As a result, policy was passed at NUS LGBT Conference to conduct research into the concerns around estrangement status and to recommend changes accordingly.

It is in any case an appropriate juncture to re-examine 'estrangement'. It is a decade since the concept was introduced, and moreover a time when the processes of student finance are under close scrutiny as the Student Loan Company (SLC) prepares to take over responsibility for the application and assessment of student finance in England.

It is our hope that our recommendations will provide important information to the SLC as it develops the systems and processes required, in order to correct the mistakes of the past and to embed equality and fairness into the system in the future. We hope that they will also enable other awarding bodies to amend their policy and processes accordingly.

2.2 The current system

Most undergraduate students¹ are regarded as independent of their parents for the purposes of assessing entitlement to funding if they are aged 25 at the beginning of an academic year.² Those aged under 25 must declare details of their parent's income (and in certain parts of the UK, the income of step-parents). Above a certain limit this income will reduce the amount of funding given by government to the student, the expectation being that parents will make up any difference.

If parents do not provide details of their income, the student is awarded only the minimum level of support possible. Currently, whilst this would still allow a student funded by an English local authority to borrow a loan for fees, they would not receive any maintenance grant, and could only borrow 75 per cent of the relevant maximum rate of student loan for maintenance. In Scotland, although fees are not charged to Scottish students, no bursary would be payable by SAAS and they could only borrow around 20 per cent of the loan rate³.

There are certain circumstances in which younger students can be regarded as independent of their parents. For example, students who are orphans, married or in civil partnerships, or who have dependent children of their own do not have to declare parental income.⁴

Since 1997 there has also been an exception for those students who are 'permanently and irreconcilably estranged' from their parents, on the basis that these students are in a vulnerable position and cannot reasonably expect parents to provide details of their income, let alone make any assessed contribution.

Students must prove their estrangement to the awarding body in order to be regarded as independent under this provision. Guidance is given to awarding bodies by government, but grants them discretion to determine on a case-by-

¹ Note that, for the purposes of this study, 'students' indicates undergraduate, full-time, HE students who are funded by: local authorities; the Student Loan Company or the NHS in England; local authorities or the NHS in Wales; or Education and Library Boards (ELBs) in Northern Ireland. The exact nature of funding and the definition of 'parent' can vary in the different parts of the UK, but the rules and guidance for granting estrangement status are broadly the same, other than in Scotland, where students funded by the Student Awards Agency for Scotland (SAAS) cannot apply for estrangement status.

² The exception is NHS-funded students.

³ However the concept of estrangement does not feature in the Student Allowances (Scotland) Regulations.

⁴ A complete list of the current criteria for independent status can be seen in paragraph 2 of Schedule 5 of the Student Support Regulations 2007: <http://www.opsi.gov.uk/si/si2007/20070176.htm#sch5>

case basis whether or not a student is estranged, and therefore entitled to extra funding.

Some examples of the guidance given to those making decisions on estrangement are available in Appendix A.

2.3 Legislative and Policy Context

Several developments in the law and in the administration of student finance have occurred in recent years that have some impact on estrangement.

- i. It has been 10 years since the concept of estrangement was introduced into the means test for student support, and three since, in some parts of the UK, the earnings of step-parents began to be included when assessing household income.

We do not believe this latter policy has had any direct impact on estrangement as such, although it is possible that step-parents, particularly those who have only recently become part of the household or who join after the student starts their course, may not feel responsible financially for the student. This almost certainly means some students are receiving less than the parental contribution assessed by awarding bodies, and there remains the potential that family disagreements over contributions have resulted in estrangement.

- ii. The processing of student finance is also changing: in July 2006 the Minister for Lifelong Learning, Further and Higher Education, Bill Rammell, announced that from 2009/10 the Student Loan Company would begin to take over the application and assessment of student finance from all local authorities in England.⁵

This will mean that the Student Loan Company will be responsible for assessing applications for estrangement for new students from that date, and we believe that it is therefore an ideal time to look at estrangement and ensure that the procedures and guidance they put in

⁵ Bill Rammell, Written Statement to Parliament, 3 July 2006
<http://www.publications.parliament.uk/pa/cm200506/cmhansrd/cm060703/wmstext/60703m0111.htm>

place reflects the best possible practise in this area. In addition, local authorities will remain responsible for students for several years to come and so we hope this report may provide an opportunity to examine their procedures, and those of other bodies offering student support in England, Wales and Northern Ireland.

- iii. A review of the means test for student support is being undertaken by the Scottish Executive for students north of the border, and as it is possible that the concept of estrangement may feature in the new arrangements we hope that this report can inform any changes to policy that are made.
- iv. The Government's much-publicised Widening Participation agenda has long aimed to ensure that 50 per cent of young people in England aged between 18 and 30 have participated in higher education by 2010. In 2005/06, the rate was 43 per cent.

Others are even more ambitious: the 2006 Leitch review of skills recommends that the proportion of all adults with higher education qualifications should increase from 29 per cent in 2005 to 40 per cent in 2020.

- v. The issue of retention is key to the Widening Participation agenda, with one in five students starting courses in 2007 expected to drop out before the conclusion of their course, according to the National Audit Office⁶. Whilst this is a relatively low level compared with other developed nations, the Government rightly aims to reduce the rate as far as possible. There are of course many factors that explain these statistics, and circumstances will vary between different students or prospective students. However finance is often cited a key issue for students who do choose not to study or continue on their courses. For example, in the most recent Student Income and Expenditure survey, more than 30 per cent of those who had considered dropping out had done so for financial reasons.⁷

The estrangement guidance currently states that students who become

⁶ National Audit Office (2007) *Staying the Course: the Retention of Students in Higher Education*

⁷ DfES (2006) *Student Income and Expenditure Survey 2004/05*

estranged during the academic year cannot be reassessed for financial support. This is likely to affect LGBT students disproportionately since living away from home can often be the catalyst for LGBT students to 'come out', a frequent cause of estrangement in our experience. In any case, if funding from parents suddenly ceases the resulting financial strain can contribute to a student's decision to leave their studies.

In this context it is important to ensure that estranged students do not face undue barriers either to their participation or continuation in higher education, and should the system in place prevent them from accessing funding over and above the minimum this could increase the numbers who fail to access higher education or who drop out once they have.

- vi. Recent years have seen a shift in equality policy and legislation away from compensating individuals who have been discriminated against towards the proactive promotion of equality. Public authorities are now by law required to identify and review policies which may have a negative impact on equality between women and men, between different racial groups and between disabled and non-disabled people.⁸

Whilst there is currently no legislation compelling public bodies to promote equality on the grounds of sexual orientation, it is best practise for public bodies to extend the equalities schemes they are mandated to produce in the areas of race, gender and disability to the three strands currently unprotected (sexual orientation, age, religion and belief) in anticipation of future equalities legislation.

Given the apparently disproportionate number of LGBT students applying for estrangement status, we believe that it may be prudent for the Department of Innovation, Universities and Skills (DIUS) and other awarding bodies to carry out an equality impact assessment on the estrangement provisions to ensure that they do not indirectly discriminate against LGBT people or other disadvantaged groups.

⁸ The Equality Act (2007); The Race Relations (Amendment) Act (2001); The Disability Discrimination Act (2005) created statutory duties to promote equality in the areas of, respectively, gender, race and disability.

3. Methodology

The aims of the research were to produce an overview of the experiences of students who had applied for independent status on the grounds of estrangement; to determine the length of time it took students to prove estrangement or to exhaust the process; to consider the impact of this on students' progression into higher education; to look at what proof was required of students and from whom; to consider in particular the experiences of LGBT students in this context; and to establish the views of student advisers and local authorities on the process.⁹

We designed a detailed survey aimed at people who had been through the process of applying for estrangement status, whether successfully or unsuccessfully, and advertised it on the NUS website and distributed it via a number of student and LGBT networks over a period of six months. We received 30 completed surveys, mostly from students who had successfully claimed independent status; although as we identified the majority of respondents through student networks this was probably inevitable. No national statistics relating to estrangement are collected so it is impossible to say whether this is a representative sample, but given the small number it seems unlikely. We anticipated the difficulties involved in collecting a sample of this kind,¹⁰ which is one of the reasons we decided to focus on the experiences of students in this situation, rather than attempt to paint a broad, representative picture. We deployed open-ended questions which allowed respondents to tell us about the process in their own words and in as much detail as they liked. From this perspective, the survey responses give a good indication of the issues involved with applying for estrangement status, for both LGBT and heterosexual applicants. Likewise, we make no attempt to draw out differences between the nations in this report since the numbers are too small to do so with any authenticity. However as we have already noted our intention was not to carry out an 'audit' of estrangement throughout the UK, but rather to obtain qualitative

⁹ We had planned on speaking to awarding bodies during our research in order to gain an understanding of the difficulties posed by the estrangement process from the point of view of those assessing estrangement claims. Unfortunately despite several attempts we were unable to gain access to their networks. We would like to take this opportunity to state that we consider the estrangement process to be a particularly complex one which we understand to be difficult from all perspectives. This research is intended to highlight problems with the system in order to move forward with positive recommendations for change.

¹⁰ We consider it probable that unsuccessful applicants are less likely to continue with or go into higher education due to what can be seen as the insurmountable barriers created by funding difficulties. Since people who haven't entered higher education do not constitute a particular social group it was much harder to find this kind of respondent than it was students.

data to enable us to make recommendations which could be extrapolated to all of the awarding bodies since the guidance used by each is so similar.

We received exactly the same number of completed questionnaires – 30 - from student money advisers. We advertised this survey through the Research and Welfare Staff (RAWS) Network, the National Association of Student Money Advisers (NASMA), NUS welfare publications and NUS website. Once again, this gave us valuable qualitative data about the experience of professionals who support applicants making estrangement claims.

We analysed the responses from student money advisers and applicants separately. Despite the fact that respondents were drawn from a wide range of institutions and geographical locations, and that advisers and students' accounts related to different contexts,¹¹ we found the accounts given of the estrangement process by both groups to be remarkably similar. We have therefore collated the two different accounts in presenting the findings of this research. Where there are any disparities between the issues raised by the two groups, this will be noted. More information about the respondents can be found in Appendix A.

We carried out a qualitative data analysis of the questionnaire responses and identified through this process a number of themes which corresponded to issues raised persistently by both sets of respondents. For the purposes of this report we have separated our analysis into three sections in which we consider different aspects of the process of applying for estrangement. These sections are: Proving Estrangement; Information and Support; and Outcomes. These are followed by recommendations, also grouped into themes. These consider changes to the regulations; information provided to applicants and funding bodies; suggestions for best practice; and future research. Appendices A and B provide detailed information about the guidance given to awarding bodies on estrangement and further demographic information about survey respondents.

Of the 30 applicants surveyed, all but one felt that at the time of their application they fitted the criteria set by the awarding body in relation to independent status.¹² Not all of the applicants were granted independent status however. We

¹¹ We are not aware of any instances in our research of an adviser and student describing the same claim. Advisers and students were drawn from a number of sources and responded individually to the survey.

¹² The individual who did not consider himself to be estranged from his parents at the time of application remained at home during his first two years at university because of the possibility of homelessness and extreme hardship if he left. Amid threats that funding would be stopped if he did

consider this information to be the starting point for finding out more about what goes wrong with estrangement claims.¹³

not stop engaging in same-sex relationships, he made the application whilst living at home under what he describes as 'intolerable conditions due to my sexuality'.

¹³ It was impossible to tell whether or not the respondents did in fact fit the criteria, since finding this information out would have necessitated the respondents 'reliving' the assessment process for the purposes of the study, which given the sensitive nature of the research would not have been appropriate. However we do not consider this to be significant in terms of our findings, for the following reasons: firstly, the student adviser accounts support the assertions of the students that there are problems with the process which prevent students who are genuinely estranged from accessing the funding they require; secondly, whether or not the students in the study were eligible the stresses associated with the process remain the same.

4. Research Findings

4.1 Proving estrangement

Sources of evidence

When we asked applicants and advisers what difficulties they had encountered with estrangement applications, the answers focused almost exclusively on problems associated with gathering appropriate evidence to prove that the applicant was estranged from their parents.

'Formal' vs 'informal' evidence

The advisers who responded to our survey strongly emphasised the difficulties they encountered in supporting applicants to provide evidence (usually testimonies) from 'formal' as opposed to 'informal' sources. Successful estrangement claims often appear to rely on the awarding body using their discretion to accept evidence from 'informal' sources such as friends, counsellors or family members, rather than 'formal' sources such as those listed in the regulations, which include doctors, police and social services. One adviser said:

'The guidance suggests that students need a letter from a teacher/social worker or someone 'official' to confirm the student's account of events. However, none of my clients has ever been able to get such a letter...'

Another said:

'Sometimes they (local authorities) stick to the letter of the regs (sic) and will only accept police or social services reports'.

The responses suggest that awarding bodies may interpret the regulations as placing a higher value on certain kinds of evidence rather than others. Some awarding bodies appear to interpret the checklist of example sources of evidence provided in the regulations as an exhaustive list. Others use their discretion to encourage and support applicants who have been estranged to provide evidence from alternative sources such as counsellors, homeless resettlement workers, friends, and in one case an ex-girlfriend's parents with whom the respondent in question had been staying.

It is clear that there is a lack of clarity in relation to what actually constitutes acceptable testimony amongst awarding bodies, advisers and applicants, and that this presents difficulties for those who apply for independent status. NUS would encourage awarding bodies to place as much value with the kinds of 'informal' evidence mentioned as with statements from legal or professional sources.

Evidence from Parents

It was clear from the survey responses that some awarding bodies, faced with the difficult task of assessing estrangement claims when no 'formal' evidence existed, have resorted to requesting evidence from inappropriate quarters. Six of our respondents said they were asked to provide evidence from their parents to prove that they were estranged. For example, one student was asked to provide:

'A letter saying my parents did not want me back.'

Another was expected to produce:

'A letter, with a legal seal, stating that I was no longer in their care.'

This is problematic for a number of reasons. If an estrangement is genuine, it is very unlikely that parents will engage in the process at all, and applicants should not be forced to reinstate contact if it will be distressing or even dangerous for them to do so (as it would have been for more than one of our respondents). Furthermore, the examples above raise serious issues in relation to the sensitivity with which these cases are handled, and the burden placed on applicants to prove they are estranged. Requesting a letter with a legal seal seems particularly excessive, given the costliness of acquiring such a letter, as well as the legal ambiguity that surrounds estrangement and whether or not a solicitor would even be to provide a letter of this kind. Asking an applicant to provide a letter confirming that their parents do not want to have a relationship with them is likely to compound the rejection felt by that applicant in what is already an intensely distressing context. It is also entirely unnecessary when there are other ways to prove estrangement. The emotional damage inflicted by such insensitivity should not be underestimated, and the welfare of the applicant must at all times remain paramount. When asked what could be improved to help applicants through the process, one respondent said:

'Make (awarding bodies) ... aware of the stress of supplying this estrangement letter from parents ... when clearly this proves a very difficult task. Quite often parents will not even speak to the child in question. This was my case. And I had to undergo tough and unwanted conversations with a parent in order to get the documentation, which resurfaced negative feelings and emotions in what was already a very stressful situation.'

When asked how the process could be improved for applicants, another student concluded her account by saying:

'Not asking for evidence from people's parents would be a good start. Estrangement is painful and having to rely on the people that kick you out is very worrying and stressful.'

NUS can see no reason why parents should have to be contacted in any estrangement case and recommends that awarding bodies desist from this practice.

Contact with parents

The guidance recommends that if a student has not communicated with either parent for the period of a year, then that student should be regarded as irreconcilably estranged. However applicants do not necessarily need to have been estranged from their parents for a year to acquire independent status, if the awarding body is otherwise convinced that the estrangement is 'permanent and irreconcilable'. A year is a very long time and the provision for allowing estrangement claims from those whose difficulties have lasted for less than a year seems fair.

However, recent estrangement can be hard to prove and the situation becomes particularly complex when applicants have contacted their parents for any reason. One adviser wrote:

'They seem to expect unreasonable time to have elapsed before the parental income can be ignored, i.e. a year without contacting either parent ... any contact, no matter how damaging, seems to prevent the student from claiming estrangement.'

Another agreed:

'If a student has contact with their parents at any time, this can scupper an application on the grounds of estrangement.'

An applicant wrote:

'Although I hadn't spoken to my parents for only two months, before that I hadn't spoken to them or lived with them for 18 months and had been on income support at 16. I moved back in for a month in the summer to try and sort things out but it didn't work and that's what made it so difficult ... it invalidated any future claims to ... any funding on the grounds of estrangement. So then I had to disclose things I would have rather not disclosed (for emotional reasons) so that I could gather the evidence for my estrangement.'

We would argue that the current situation does not encourage applicants to attempt reconciliation, since those attempts can be and have been used against them in their applications.

Issues around sexual orientation and gender identity

Estrangement on the grounds of sexual orientation and/or gender identity can be a particularly sensitive matter, and difficult to prove for a number of different reasons.

For example, the young person may not have disclosed their situation to a third party; it may be an entirely private matter between the applicant and his or her parents. As one student adviser pointed out, there is no particular reason why an 18-year-old would have come into contact with any external agencies in relation to their estrangement, and it may be that they have told nobody else about their sexual orientation or gender identity other than their parents. Indeed, the parent's reaction may have inhibited them from discussing it with other authority figures.

Furthermore, it may be particularly difficult for a student to talk to staff at awarding bodies about something this personal, particularly as the reaction of the applicants' parents is likely to have been negative. And it is especially important

for this reason that staff are made aware of the particular issues around sexual orientation and gender identity. For example, it is very likely that some trans applicants may change their name before or during the process of transitioning gender, and before or during the process of applying for estrangement status. Although this adds an inevitable complication to their claim, an awareness of this fact prior to the event could prevent difficulties for both awarding body staff and the student involved.

We were encouraged by the fact that the applicants surveyed did not report any experiences of direct homophobia or transphobia. However, it was clear that a lack of understanding of the often complex issues around sexual orientation and gender identity in some cases made the whole experience more distressing than was necessary for the applicants involved. One adviser reported a student's private life being discussed in the public reception area of the local authority, which she obviously found very distressing. This kind of incident could be easily avoided by having a dedicated worker used to dealing with these kinds of claims and the issues that they raise. They would, for example, be familiar with appropriate support services to refer applicants to if necessary.

Interpreting the regulations and guidance

There is an appreciation amongst advisers that awarding bodies have a hard task in assessing estrangement claims. As noted in the introduction, awarding bodies are provided with guidance by the DIUS to help them interpret the regulations governing this area of student finance. The guidance allows for a level of discretion on the behalf of the awarding body in determining estrangement claims. Accordingly, we found that the DIUS regulations and accompanying guidance are interpreted differently by different awarding bodies, and that the discretionary powers awarded to them are taken advantage of to varying degrees, which can have significant implications on the outcome for applicants. Several advisers explicitly identified this conflict:

'At the moment there seems to be a lot of variation in terms of what will be accepted as evidence of estrangement, and how that will be viewed, by different (local authorities).'

When we asked advisers and applicants what improvements could be made to the guidance we received conflicting answers. The majority thought the guidance too

restrictive, whilst a minority thought that any more detail would serve only to limit the way in which it could be interpreted. In this latter case, one adviser said that the institution had had successes with estrangement cases through learning to *'use the guidance to our advantage'*.

All of the responses suggested that awarding bodies interpret the guidance inconsistently.

Occasionally, awarding bodies completely misinterpret the guidelines. For example, one student we spoke to did not even apply for funding on the grounds of estrangement because the local authority told her that as she had not been estranged from her parents for over a year she was ineligible. This is despite the fact that this deadline is supposed to be flexible. Additionally, several advisers reported local authorities requesting that a student prove both that they had been estranged for over a year *and* that the breakdown was irreconcilable. According to the guidance, a student need only prove one of these in order for their estrangement claim to be verified.

In addition to local authorities interpreting the guidance differently, one adviser told us of a situation in which different staff in the same local authority had reviewed each other's cases and sometimes overturned their colleagues' decisions. The implications of this level of inconsistency can be extremely serious, to the point of placing insurmountable barriers to higher education in front of those applicants who are most vulnerable. This first stage rejection could prove life-changing for individual applicants.

However, the complexity of the task for awarding body staff is acknowledged. One adviser gave examples of different cases he had worked on, saying of one:

'The other one was more difficult and we had to cobble the case together with the support of the college tutor and a vague letter from a college counsellor. I'm surprised that one went through and to be honest would have had difficulty deciding on that one ... if I had worked at (a local authority).'

It is evident from the examples we have given that awarding bodies struggle to interpret the guidance consistently, to the detriment of applicants who have become estranged from their parents. Furthermore, advisers and applicants are forced to resort to 'bending the rules' to make their case.

Local authority staff should be trained in applying the guidance and regulations on estrangement status in order to be able to support students with genuine claims. There is evidence that local authorities treat student applications with mistrust. One student adviser wrote:

'My feeling is that initially, local authority staff are often considering how the student doesn't meet the criteria, rather than helping the student to work out whether they do.'

Case studies drawn from real examples would benefit staff responsible for handling these claims, by illustrating the different ways in which discretionary powers can be used to support applicants to prove estrangement.

Income Support

At this juncture it is appropriate to mention that the concept of estrangement also exists in relation to social security benefits, and for income support (IS) in particular. Where a young person under 20 is in "relevant education" they can receive IS to help pay for essential living costs if they are estranged from their parents or any person acting in place of their parents.

Demonstrating estrangement for income support appears to be a far less complex process. In relation to IS, the term estrangement infers "emotional disharmony," and a young person can be deemed to be estranged even if there is contact with their parents or limited financial support from them.

Moreover, recent guidance from the DWP to its benefits officers emphasises the need for decision makers to start from the position of assuming the young person is telling the truth. The guidance states that, "the young person should be believed unless their statement is self-contradictory or inherently improbable... the law on verification is clear - what a customer says is itself evidence and that corroboration of that evidence is not necessarily required."

Therefore we believe it is easier for the young person to prove their estrangement in what can be very difficult circumstances, and there is more opportunity for gradual reconciliation to be attempted without the young person having to worry that their support will suddenly be reduced.

NUS strongly recommends that funding bodies examine the estrangement process in income support applications and adopt best practise where it is identified.

4.2 Information and Support

The role of student advisers

We found that provision of information and support was a key factor in whether or not estrangement claims were successful or not. Applicants reported accessing support from a number of different sources, much of which was specialist, hands-on and time-intensive, suggesting that the demands of the process are simply too burdensome. A range of individuals and organisations including social workers, university staff, students' union officers and youth workers helped applicants applying for funding with a variety of tasks including:

- understanding evidence requirements and gathering proof of estrangement
- writing to the awarding body on applicants' behalf
- writing covering letters to awarding bodies
- interpreting the DIUS guidance
- referring applicants to counselling services where appropriate.

Applicants who were unable to access support were placed at a serious disadvantage. The complexity of the situation and the burden of the requirements in relation to evidence place an enormous amount of pressure on applicants. One applicant, whose claim was unsuccessful, said of the process:

'There were just too many rules and regulations to comply with so it was very hard to actually be eligible for anything.'

This applicant had been estranged from his parents for two years, but advised that the minimum requirement was at least three years (whereas in reality the guide is one year, but less is acceptable depending on the context). Had further support and information been available to him, he may not have been deterred from applying for funding and subsequently progressing through higher education.

There was also a suggestion from a number of money advisers that awarding bodies were more open to claims from applicants who had the support of institutions or other advisers. Two student advisers reported resubmitting previously unsuccessful claims on behalf of applicants who were subsequently

successful because of the work put in by the advisers to bolster the claim. One wrote:

'Because we spend so much time helping them put as strong a case together as possible, we tend to have pretty much 100% success. But I'm sure that if they did it themselves, they wouldn't be.'

Another adviser agreed:

'Because we send estrangement applications on behalf on students, they are almost always successful.'

Whilst it is understandable that professional involvement improves the chances of estrangement claims being successful, these examples do raise questions about the possibility of success for unsupported applicants.

When we asked applicants what could be improved to better help them during the process of applying for independent student financial status, answers predominantly focused on improving the information and support available from the awarding body. The majority of applicants stated that they had received no or little information from the awarding body to help them progress their claim, and discussed how helpful it would be to have an adviser, or at the very least a worker with whom the process could be negotiated from start to finish and from whom they could receive advice.

The consequences of a lack of information can be serious and perpetuate existing disadvantage:

'... students often don't realise they can claim independence and, because they can't provide parents' income details just accept the lower amount of support. They are often used to working long hours to support themselves so just get on with it.'

Information and support for student advisers

A lack of information about how best to support applicants going through the process can also cause problems for student advisers, whether they are staff or students' union officers. Only three of the advisers we spoke to said that their

institution had an estrangement policy, and none had any guidance relating to estrangement and sexual orientation or gender identity. While some of our respondents were very well-informed and experienced in this field, others felt much more insecure about their ability to support students:

'I feel that any problems that could occur are mainly down to communication. As officers we aren't fully aware of what is available for the students, therefore they are also in the same situation as us, if not worse.'

It was clear from the responses that the DIUS guidance is referred to and used by both applicants and money advisers. This suggests that were more detailed guidance on applying for estrangement status to be produced, it would reach the applicants and advisers it is aimed at. Applicants and advisers had many ideas about how the process could be improved by the provision of specific advice and information targeted at the right people.

It is essential that all students and potential students are made aware that there is support available for those in need. The role of students' unions and officers in providing this advice and information to students is crucial, especially for those students who become estranged from their parents during their course of study, for whom the students' union may be the first point of contact. One successful applicant who had been supported throughout the process by her students' union welfare officer suggested that specific training for student officers would considerably increase the chances of mid-course claims being successful:

'I think that all students' unions need to be trained up in dealing with this because I'm aware that I'm very lucky to have received the level of help that I did from mine... I wasn't given any (guidance by my awarding body); it was really difficult to apply for and it's only thanks to a brilliant welfare officer at (my) Uni that I managed to get things sorted.'

4.3 Outcomes

Length of Process

We asked applicants how long it had taken their awarding body to establish whether or not they were eligible for estrangement status, that is the amount of time between the application being made and notice of the decision. There was a wide disparity in the amount of time it took different awarding bodies to make decisions about estrangement claims, ranging from under one month to 18 months. Whilst it is clear that the difficulty in gathering suitable evidence is partly to blame for this, we would suggest that awarding bodies should set targets for dealing with estrangement claims, particularly because of the distressing nature of the process for many applicants:

'It's bad enough that your parents have just thrown you out and you are living off nothing with no stability or even a roof over your head; but on top of that, if you have the energy to pursue your education, you are made to go through everything that is causing the pain again and fill in loads of forms.'

4.3.2 Progression into higher education

We found that despite the hurdles placed in the path of applicants who have become estranged from their parents who wish to enter higher education, many were successful in proving their estrangement claims. Of those who were not, most managed to progress through the system by developing other ways to fund their studies. Strategies to access funding cited by students included working part-time, extending overdraft facilities and borrowing to supplement the minimum funding provided by their awarding body in the absence of a proven estrangement claim. Two applicants were forced to re-establish contact with their parents in order to reapply as dependent students. Ambition, the desire to complete a course of study, fear of 'losing life chances', and securing future prospects were also key factors in applicants' decisions to continue in higher education with the bare minimum of non-income assessed funds.

One student we spoke to was forced to leave his course after unsuccessfully applying for estrangement status. We are confident that this is not an isolated incident, and as noted before, we are more likely to have received responses from people who were successful in claiming estrangement than unsuccessful.

This raises questions about retention of students who have become estranged from their parents, whether heterosexual or LGBT.

5. Recommendations

Where student advisers and individual students clearly identified problems with the estrangement process, we have made suggestions for improvements to local authority practice, provision of information by DIUS and changes to regulations.

Our recommendations are grouped into four areas: information, regulations, best practice, and data collection and future research.

Information

NUS recommends:

1. That DIUS expands, updates and rewrites the guidance on estrangement to include case studies of both successful and unsuccessful applications and best practise in order to support staff in local authorities in the difficult task of assessing claims for independent status.
2. That DIUS funds the production of a step-by-step guide with information and advice for those who wish to apply for estrangement status. This should be produced in consultation with advisers and students, and distributed widely to schools, colleges, youth clubs, student money advisers and students' unions. The guide should explicitly state that students who are estranged on the grounds of sexual orientation and/or gender identity are able to access support. The guide should also include information about other sources of financial and emotional support available to applicants in this situation.
3. That awarding bodies provide applicants with information about student advisers in the area that could provide them with further support.

Regulations

NUS recommends:

4. That DIUS (and where appropriate the Department of Health, the Welsh Assembly and the Northern Ireland Assembly) investigates bringing estrangement regulations into line with the Department for Work and Pensions Income Support guidelines.
5. That notwithstanding the provision of improved and more detailed guidance, applicants should still be dealt with on a case-by-case basis, and therefore that the discretionary powers of awarding bodies should remain.
6. That provision should be made for students who become estranged during the year of study to have their application reassessed, pro-rata, but not to reassess pro-rata those who have reconciled with their parents until the following year of study (in order not to jeopardise the reconciliation in its early stages).
7. That the Scottish Government introduce the concept of estrangement to student fees and awards regulations in Scotland.

Best practice

NUS recommends:

8. That awarding bodies do not ask for evidence from an applicant's parents, unless it is with the consent of that applicant.
9. That awarding bodies place as much value on 'informal evidence' as with statements from legal or other professional sources.
10. That certain identified staff in awarding bodies should deal with all estrangement applications to ensure consistency and to guarantee the privacy and dignity of the student in question.
11. That the relevant staff in awarding bodies should receive training in the issues involved with estrangement, with specific attention paid to issues

connected to sexual orientation and gender identity. This should be funded by the awarding bodies and delivered in consultation with NUS and NASMA.

12. That the process should not discourage a student from reconciling with their parents at any time. Students should be made aware that a genuine attempt to reconcile will not damage their claim, as is the case currently for young people applying for income support on the grounds of estrangement.
13. That awarding bodies should set targets for the time it takes to deal with an application for estrangement status from first referral to decision. NUS recommends that students should not have to wait any longer than three months for a decision. Time limits for processing claims should be monitored to identify problem areas.
14. That, as with benefits officers assessing income support claims on the grounds of estrangement, awarding bodies should start from the position of assuming that the applicant is telling the truth.

Data collection and future research

NUS recommends:

15. That DIUS requires local authorities to collect data on estrangement applications which should be collected anonymously and collated nationally to assess the following:
 - how many people apply
 - how many are and are not successful in their application
 - how many progress and/or complete their course

This information should be used to gauge whether or not the retention rate of estranged students is higher or lower than the average, and to identify variations in success rates for applications to different awarding bodies.

16. That DIUS funds further research which looks in more detail at the experiences of unsuccessful applicants.

17. That DIUS considers a study into the feasibility of collecting data on the reasons for estrangement is carried out, in order to enhance and/or target support (in the widest sense) at vulnerable groups.

Appendix A – Current Guidance

A. Guidance on estrangement given to local authorities in England by the Department for Innovation, Universities and Skills

This guidance is available online at:

<http://www.dfes.gov.uk/studentssupport/administrators/doc/Assessing%20Financial%20Entitlement%20Guidance.doc>

Estrangement

150. Parental income is not included in the income assessment where the eligible student is irreconcilably estranged from his parents – Schedule 5, paragraph (2)(1)(e). He should be regarded as independent under this paragraph where:

- (a) 'he has communicated with neither of his parents for the period of one year before the beginning of the relevant year' for which he is being financially assessed; or
- (b) he can demonstrate on other grounds that he is irreconcilably estranged from his parents.

In other words:

If he has not communicated with either parent during the year in question, he should be regarded as irreconcilably estranged.

If he has communicated with either of them during that year, he can nevertheless still be regarded as irreconcilably estranged, as aside from a year long absence of communication, the student may be able to demonstrate other grounds for regarding him as irreconcilably estranged from his parents.

151. LAs should, as far as possible, satisfy themselves that the estrangement is genuine and that for the time being reconciliation is impossible (or at least highly unlikely). It is not enough that a student does not get on with his parents or that they have had a serious disagreement recently. The fact that a student may choose to live apart from his parents is not itself sufficient evidence of an irreconcilable

estrangement. Similarly irreconcilable estrangement cannot be inferred simply on the ground that a parent refuses to co-operate with the LA in the financial assessment of the student (e.g. by not replying to letters or refusing to complete income assessment forms), or does not provide financial support to him. These factors could, of course, be expected to be present if there has been a genuine estrangement.

152. It is for the LA to decide in each case whether it has sufficient information and evidence to justify its opinion as to whether or not a student is irreconcilably estranged. In addition, the LA must satisfy itself each year before assessing the student that an estrangement still persists.

153. There is no qualifying period which must be met before a student can be regarded as irreconcilably estranged (and, as noted above, Schedule 6, paragraph 2(1)(e) does not rule out contact even within a year before the year of assessment). But it is likely to be easier for a student to demonstrate that he is 'irreconcilably estranged' if the estrangement has endured for a significant length of time before the student applies for support. Care is needed where an estrangement is claimed to have started just before the student starts his course or during the course itself. Most LAs know of examples of difficulties being caused by a student's wish to leave the parental home and enter higher education. LAs should decide whether such difficulties are temporary or transitional, or whether a genuine estrangement has occurred. The possibility of fraudulent or unsubstantiated claims of estrangement should always be borne in mind.

154. What is the student's position if estrangement either starts or ends during the course of an academic year? The Regulations do not provide specifically for a student to acquire or lose independent status during the course of a year, nor do they provide for recalculation of an independent student's entitlement to support if the estrangement comes to an end during the course of the year. Therefore, in cases where an LA has accepted a student as being estranged from his parents at the start of the year in which payments of support fall due, and that estrangement ends during the year, the student retains independent status until the end of that year. In cases where a student is not considered to be estranged from his parents at the start of a year, the parental income should be taken into account in the assessment of the household contribution. If an

estrangement subsequently occurs during the course of the year, the household contribution assessed at the beginning of the year stands.

B. Guidance on estrangement given to administrators of NHS bursaries in England.

This guidance is not available online.

A student may be considered to be irreconcilably estranged from his parents if he has not communicated with either of them for a period of **one year** before the beginning of the year in which assessment is taking place.

This definition (which mirrors the Mandatory Rules regulations) leaves room for considerable interpretation as to what constitutes "estrangement". For instance, although a student will be irreconcilably estranged from his parents if he has not communicated with them during the year in question, it is not necessary for him not to communicate with his parents to be considered estranged from them.

When making a determination, it is not enough, that:

- A student does not get on with his parents; or
- They have had serious disagreement with them recently; or
- The student does not reside with his parent(s), or
- That either one or both of the parents refuse to co-operate with NHS Student Bursaries in the financial assessment of a student; or
- That either one or both of the parents do not provide any financial support

These factors may of course be present if there has been a genuine estrangement but in addition there should be solid and reliable evidence that there is some underlying reason for an estrangement, such as written evidence from some external body, person or authority that can substantiate the student's claims. (For example, were the police or the local social services department involved in some way, in any events such as domestic violence or abuse?)

There is no qualifying period that must be met before a student can be considered estranged, but the term "irreconcilably estranged" does infer that the estrangement may well have endured for some months, if not years. Care needs to be taken where estrangement is claimed just before a course is due to start, as a parent's disapproval of their child's chosen course or entry into higher education is not sufficient to confer estrangement. Awarding officers should always be mindful of the possibilities of fraudulent or unsubstantiated claims being made.

In addition, NHS Student Bursaries operations must be satisfied that estrangement persists and that the student has not since become reconciled with his/her parents.

Appendix B - Demographics

Respondents' profile

We asked students filling in the survey for a small amount of biographical information. This is summarised as follows:

1. How would you describe your sexuality?

Lesbian	6
Gay	9
Bisexual	4
Heterosexual	10
Queer	1

The high number of LGBTQ students who responded to the survey, in comparison to heterosexual students, can probably be attributed to the way in which data was collected. For example, the survey was distributed widely through LGBT student networks. In a sample of this size, it is not possible to say whether or not the high incidence of LGBTQ students is significant, but as we outline in the report, we do consider the issues affecting this group of students in relation to estrangement to need particular attention.

2. How would you describe your gender?

Male	11
Female	16
Trans	3

3. Geographical spread of local authorities applied to by survey respondents:

Northern Ireland	2
Southeast	4
London	7
East of England	1
Wales	1
East Midlands	3

Yorkshire and the Humber	1
West Midlands	1
South West	1
North West	6
North East	0
Unidentified English LAs	3
Scotland ¹⁴	0

The students we spoke to came from all over the UK, with the exception of Scotland and the North East.

Length of Estrangement

At the time of filling in our survey, two thirds were still estranged from their parents. Over half had been estranged for a year or more at the time of application, and one third had been estranged for less than a year. The full range was between two months and five years.

¹⁴ There is no 'estrangement' process in the Scottish funding system.

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