

Applying the relevant date provision to the student support eligibility criteria of Ukrainian nationals resettled in the UK

Equality Impact Assessment – Results

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1. Title of Policy

Applying the relevant date provision to the student support eligibility criteria of Ukrainian nationals resettled in the UK.

2. Summary of aims and desired outcomes of Policy

Relevant National Outcome(s):

- We are well educated, skilled and able to contribute to society.
- We respect, protect and fulfil human rights and live free from discrimination.

This policy reviews the current eligibility criteria for Ukrainian nationals and their family members with a view to aligning this with the general rules relating to the relevant connection to Scotland, whereby individuals must be ordinarily resident in Scotland on the relevant date (the relevant date being the 1 August for Autumn start courses).

At present, the criteria for those eligible under the Ukrainian provisions within the Education (Fees) (Scotland) Regulations 2022 and the Student Support (Scotland) Regulations 2022 states that an individual needs only to be ordinarily resident in Scotland, with no reference to the relevant date.

3. Directorate: Division: Team

Lifelong Learning and Skills Directorate

Lifelong Learner Experience Division

Student Financial Support Team

4. Executive Summary

A review of the current residency criteria and eligibility for student support was carried out, of which this EQIA forms a part.

The EQIA identified that introducing a requirement for Ukrainians arriving in the UK to be ordinarily resident in Scotland on the relevant date would have a negative impact on this group. However, it is considered that the policy is justified on the basis that the change will align the provision for Ukrainian nationals with the general residency criteria for those with a relevant connection to Scotland and the majority of the excepted groups in terms of the requirement to be ordinarily resident in Scotland on the relevant date.

The Scottish Government does not consider there to be any direct or indirect discrimination as a result of this policy change. The proposed change to the eligibility criteria for Ukrainian nationals will align the provision with the general residency

criteria already contained within the Education (Fees) (Scotland) Regulations 2022 and the Student Support (Scotland) Regulations 2022.

5. Background

The general eligibility criteria in the Education (Fees) (Scotland) Regulations 2022 and the Student Support (Scotland) Regulations 2022 provide that the assessment for support be undertaken on the relevant date. The regulations allow for 4 different relevant dates depending on the point in the year that the course commences.

- 1 August to 31 December – 1 August
- 1 January to 31 March – 1 January
- 1 April to 30 June – 1 April
- 1 July to 31 July – 1 July

The current eligibility criteria relating to Ukrainian nationals wishing to undertake courses of further or higher education stipulate that individuals are required to be ordinarily resident in Scotland at the point of their funding application.

In April 2022, the Scottish Government announced support for Ukrainian nationals fleeing the Russian invasion to Scotland who wished to undertake a course of study from the 2022/23 academic year. When this category was first introduced into the regulations, it was felt necessary to allow for the fact that there was a large number of Ukrainian nationals and their family members fleeing Ukraine at the start of the invasion and that they would be continually arriving in the UK throughout that period.

The relaxing of the relevant date provision for Ukrainian nationals and their family members was to allow those whose study had been interrupted to start courses in Scotland even if they had arrived after the relevant date for the particular course. This change was considered as a temporary measure to ensure as little disruption as possible to the lives of Ukrainian nationals and their family members and to make allowance for the fluid nature of the situation in Ukraine.

Although the invasion is ongoing, there does appear to be a steady reduction in the numbers of Ukrainians who are coming to the UK under the specific home office schemes and therefore to ensure a consistency of approach across the regulations, we are now proposing to remove this temporary allowance.

This contributes to the following national outcomes:

- We are well educated, skilled and able to contribute to society.
- We respect, protect and fulfil human rights and live free from discrimination.

6. The Scope of the EQIA

The proposed policy change has relevance to the protected characteristics of sex and race. It is considered that a concise and focussed Equality Impact Assessment is proportionate in these circumstances.

Data is not yet available on the number of Ukrainian nationals who have undertaken courses in further and higher education in the 2022/23 academic year as the year has not yet concluded and the relevant statistical publications have not yet been released.

Information on the number of Ukrainian nationals who have entered the UK under one of the designated Home Office scheme is provided by the Home Office: [Statistics on Ukrainians in the UK - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/statistics-on-ukrainians-in-the-uk)

The Home Office data shows a steady decline in the amount of arrivals from Ukraine compared to the early weeks/ months following the invasion.

Scotland has taken approx. 23,500 arrivals from Ukraine since the start of the invasion (as of Feb 2023).

7. Key Findings

We have identified that the introduction of the fixed relevant date provision for the assessment of support for Ukrainian nationals and their family members will have a negative impact on those arriving in the UK and looking to start a course of further or higher education but haven't arrived by the relevant date.

The policy is considered to be justified on the basis that this will align the provision with the general residency criteria relating to the relevant date which applies to those with a relevant connection to Scotland and the majority of the excepted groups in the regulations. In addition, statistics from the home office have shown a steady decline in the number of Ukrainian nationals fleeing Ukraine to the UK since the start of the invasion. It is therefore not considered necessary to maintain the temporary measure that was included in the regulations at the start of the invasion to make allowance for the fluid nature of the situation in the Ukraine.

Generally support for Ukrainian nationals may benefit more females than males due to a larger number of females entering the UK via the designated home office schemes. However, the introduction of the fixed relevant date provision for the assessment of support for Ukrainian nationals and their family members has no specific impact on sex.

8. Recommendations and Conclusion

In conclusion, the introduction of a fixed relevant date provision for Ukrainian nationals and their family members is not considered to be directly or indirectly discriminatory under the Equality Act 2010. The proposed change aligns the provision in the regulations for Ukrainian nationals with the general residency criteria and therefore the Scottish Government considers that this proposed policy change can be objectively justified as a proportionate means of achieving a legitimate aim.



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