

**Subject:** Northern Irish applicants to Scot unis

**From:** [REDACTED] <[REDACTED]@universities-scotland.ac.uk>

**Sent:** 31 May 2012 14:16

**To:** [REDACTED] <[REDACTED]@scotland.gsi.gov.uk>

**Cc:** [REDACTED] <[REDACTED]@universities-scotland.ac.uk>; [REDACTED] <[REDACTED]@scotland.gsi.gov.uk>

**Subject:** Northern Irish applicants to Scot unis

**Importance:** High

[REDACTED],

As discussed, following a conversation just now between [REDACTED] and [REDACTED], [REDACTED] advised we'd be as well to give to the Scotsman these two bits of information – in response to their direct request resulting from the Cabinet Secretary's letter to [REDACTED] - on the basis that they would be Fol-able anyway. What is pasted below is from mid-April and was the advice Universities Scotland issued at the time but the situation continues to evolve and so this now only makes sense in the context of the subsequent advice issued from Government (attached). Therefore, it is probably helpful to send this subsequent advice to universities, (dated 3 May) as [REDACTED] agreed with [REDACTED].

Copying in [REDACTED] so that we're all clear on what has been agreed should go out from who and why.

[REDACTED]

**16 April 2012**

## **Northern Ireland applicants – fee status advice**

### **Background and introduction**

Members are aware of *The Education (Fees) (Scotland) Regulations 2011* and the related potential issues which arise in managing applications from students from Northern Ireland who are UK citizens but, under the terms of the Good Friday Agreement, may also choose to hold Republic of Ireland citizenship. In light of the related complexity institutions may face in managing student populations in a way which does not incur financial penalty from SFC, Universities Scotland has sought legal advice on this matter. This circular summarises the advice received.

### **Advice sought and response from lawyers**

University Scotland framed its request for advice in the form of the two following questions. The lawyers' response is inserted in each case *in italics*. Members will want to note that the second question makes reference to a related case regarding the EU Treaty rights of dual national residents of Northern Ireland and that the lawyers' response to this second question concurs with legal advice previously received by a third party.

### Question 1

It is understood that, in keeping with European Treaty rights, The Education (Fees) (Scotland) Regulations 2011 together with the Education (Fees and Awards) (Scotland) regulations 2007 exempts non-UK EU nationals who have been ordinary resident in the European Economic Area from any direct fee liabilities in attending Scottish universities (i.e. the fee of ~£1800 is paid by SAAS, as is the case for Scots). This is the basis on which universities and SAAS are operating, and unless otherwise advised we assume it to be correct.

*We agree with the interpretation to which the universities and SAAS are currently working to.*

### Question 2

A particular issue arises in relation to UK citizens born in Northern Ireland who, under the terms of the Good Friday Agreement, have the right to hold both British and Irish citizenship. Prima facie this could enable a NI resident who would otherwise be liable for RUK fees when attending a Scottish university to present themselves as an EU citizen and thereby have the fee of ~£1800 paid by SAAS, as is the case for Scots. This lack of clarity about such students' fee status has significant implications for universities facing fines in relation to under or over recruitment of students eligible for SAAS funding, and in relation to their realisation of income from RUK fees.

Universities Scotland now understands that a third party has sought legal advice on this issue and, at Universities Scotland's suggestion, made reference to the ruling in Case C-434/09 Shirley McCarthy vs. the Secretary of State for the Home department (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:186:0005:0005:EN:PDF>). It is understood that the third party has received legal opinion that, in line with judgement referred to above, a NI born UK citizen holding Irish dual nationality would have to have previously exercised their right of free movement in order to be exempt from personal fee liabilities and be eligible for SAAS to pay these fee costs for them. Is this correct?

In support of this view, we would draw your attention to paragraph 10(3) of The Education (Fees) (Scotland) Regulations 2011 which specifies that for the purposes of ascertaining who is an 'excepted student' who does not have to pay the full RUK fee, 'an EU national does not include a UK national who has not utilised a right of residence'.

*We agree with the understanding which the universities have. It is worth pointing out that the exercise of free movement would need to be outwith the UK as distinct from England or Wales since the state is the UK of which NI is a part.*

*I would also draw your attention to the fact that in our view any claim under the Equality Act would also fail since there is an exemption in Schedule 23 and more generally there is no contravention of any of the Part 6 (Education) provisions where the alleged discrimination arises because of nationality or the place of ordinary residence.*

### **Interpretation and implications**

This advice indicates that UK nationals ordinarily resident in Northern Ireland and holding dual national Irish citizenship should not be categorised as “excepted students” on the basis of their dual national status/presentation of an Irish passport. In common with UK nationals ordinarily resident in the rest of the UK, such students should only be categorised as “excepted students” where they have previously and demonstrably exercised their right to free movement to an EU state outwith the UK and are consequently regarded as ‘UK returners’ (or where an individual’s circumstances otherwise indicate that they should be categorised as such under the regulations).<sup>[1]</sup>

Institutions may wish to take their own legal advice on this matter, but on the basis of the similar advice which both Universities Scotland and a third party sector agency has received from different lawyers, it would appear that institutions may wish to consider their processes in relation to applications from Irish citizens where address, schooling, fee status questionnaire, or other data appears to indicate the application is a UK national from Northern Ireland holding dual nationality status. As per US advice in Circular 52-11 and in order to ensure the appropriate use of public funds from SFC, institutions will want to require such applicants to provide appropriate documentation demonstrating the exercise of their Treaty right to free movement and potentially also secure a written declaration of the accuracy of such information. Such an approach will substantiate such applicants claim to “excepted student” status and access to the related public funds. An approach of this kind will also provide institutions with an appropriate audit trail.

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<sup>[1]</sup> See: [http://www.saas.gov.uk/student\\_support/uk\\_returners.htm](http://www.saas.gov.uk/student_support/uk_returners.htm)

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**MINISTER FOR EXTERNAL AFFAIRS AND INTERNATIONAL DEVELOPMENT**

**QBR VISIT MALAWI-ZAMBIA 2014**

**DAILY BRIEFING NOTES**

**Thursday 23 January 2014**

**INDEX**

<b>BRIEFING NOTE</b>	<b>ACTIVITY</b>	<b>TIME</b>	<b>PAGE</b>
<b>1</b>	Visit Chance for Change project	11:00 - 12:00	<b>2 - 15</b>
<b>2</b>	Business meeting with Malawian Minister for Industry & Trade	13:30 – 14:30	<b>16 - 17</b>
<b>3</b>	Education Scotland/GoM Education Minister	15:00 – 16:30	<b>18 - 23</b>
<b>4</b>	Multilaterals dinner	19:30	<b>24 - 61</b>

## BRIEFING FOR VISIT TO CHANCE FOR CHANGE PROJECT

<b><i>Time of Engagement</i></b>	11:00 -12:00
<b><i>Where</i></b>	Area 23, Lilongwe
<b><i>Who</i></b>	Chance for Change staff and teenagers involved in the project
<b><i>Why</i></b>	<ul style="list-style-type: none"> <li>• See how the project helps teenagers from this poor area by teaching them life skills</li> <li>• Announce the Livingstone Scholarships second round of funding</li> </ul>
<b><i>Key issues/messages</i></b>	
<b><i>Media Handling</i></b>	News release and Tweet
<b><i>Gifts</i></b>	N/A
<b><i>Annexes</i></b>	Annex A: Background on Chance for Change Annex B: Briefing on the David Livingstone Bicentenary Scholarship Programme and Scotland-Malawi Scholarships Programme

## **BACKGROUND ON CHANCE FOR CHANGE**

Chance for Change was conceived by three former colleagues who have a collective wealth of experience in working with young people and in the voluntary sector both in Scotland, the UK and internationally. They noticed that there was a gap in provision for supporting young people making the transition to becoming an independent adult. Many young people making this transition unsupported, or supported only by their peers, were often experiencing problems with drugs and alcohol, offending and high-risk lifestyles. Chance for Change felt that their experience of working in this sector in the UK, could be brought to support the Malawian youth to make this transition successfully.

### **Mission Statement**

Chance for Change is an International NGO, registered in Scotland, which helps young people who are experiencing difficulties in their lives to work through the challenging life circumstances that they face to make the transition to independent adulthood. Chance for Change helps young Malawians to recognise the changes and improvements they need to make; then seeks to equip them with the confidence, motivation and essential life skills they need to make those changes.

The Chance for Change programme inspires and motivates young Malawians to take responsibility for themselves and for their future direction, it helps participants to learn how to make more effective choices; how to change their thinking and behaviours and helps them focus their aspirations; ultimately taking the first steps in shaping their futures.

All the staff of Chance For Change believe passionately that it is possible for people with challenging histories to transform their lives, that with the right application, everyone has the capacity for more effective control of their lives.

### **Vision and values**

Chance For Change believes that everybody deserves the opportunity to fulfill their potential regardless of their life circumstances or history. We believe that people should be defined by their assets rather than their deficits and we believe that we should work with the person and not their problem.

We work to empower young people who have faced challenge in their lives, to move to independent productive adult lifestyles by developing their talents and abilities and by thinking entrepreneurially.

We want to inspire and motivate them to take responsibility, to fulfill their potential and to take their place as citizens in a global dynamic workforce.

We want them to be part of policy not just the subject of it and most of all, we want them to be inspired and motivated to be young leaders of the future.

### **Districts where activities are being implemented**

Chance for change is currently concentrating its efforts in Area 23, Lilongwe.

### **Who are we working with?**

We are working with Malawian young people initially from Area 23, they are aged 14-18 and are in need of some support and direction. Typically, they will be young people who are experiencing or have experienced challenging life circumstances and will be interested in shaping and influencing their own future development.

### **How Will Chance for Change work?**

Using our tried and tested personal development methodology, and making use of expertise from our delivery partners, Chance For Change will train a number of young Malawian adults to act as youth leaders for our programme. They will be trained in personal development, working with youth, health and wellbeing (including HIV & AIDS), drugs and alcohol awareness, entrepreneurial thinking and micro-enterprise.

### **Outline of activities that Chance for Change will implement in Malawi under each of the sectors**

#### **HIV/AIDS**

Chance for Change has gone to great lengths to ensure that their programme delivery strategy for the HIV & Aids element is aligned with Government policy as well as other recognised NGO's work in this area. We recognise that taking a holistic approach to sexual health is of primary importance and will ensure the greatest impact. Having consulted with leaders in this area such as Lighthouse and VSO, Chance for Change will cover the following in this area; Sexual Reproductive Health, sexually transmitted diseases, negotiating safe sex, sexuality, HIV & AIDS, early marriage and teen pregnancies. Embedded into our programme will be a strong service delivery element so that young people can be guided and have increased access to youth friendly health services.

#### **Drugs & Alcohol**

In recognition of the fact that alcohol consumption and substance misuse is a growing problem amongst the youth in Malawi, Chance for Change seeks to address the causes and consequences of excessive substance misuse with the youth in Area 23. We will explore the impact this can have on health, family relations and lifestyle choices as well as negative consequences such as addiction and offending.

#### **Entrepreneurial thinking**

In alignment with Chance for Changes' International work, we seek to encourage young people to realise their strengths and achieve their aspirations by providing them with the life skills that will take them forward. We are happy to be able to provide an entrepreneurial element of training to the young people of Area 23 that will be in line with Government policy and national strategy to focus on Agri-business and Agro-processing as an income stream. We will encourage young people in business skills, entrepreneurial thinking and value addition to name but a few examples. It is our hope that this entrepreneurial element will further impact the work we are carrying out in sexual health as this will affect positive behaviour change and support the adoption of alternate lifestyles.

### **Chance For Change Experience and knowledge**

[REDACTED] Chance For Change [REDACTED], has over 37 years of experience designing programmes of personal, self and social development using the wild

places as vehicle for this work. Chance For Change builds on this extensive experience and knowledge. [REDACTED] has brought together a team of experienced 3rd sector professionals who will drive Chance For Change forward in Malawi. The team will operate out of shared premises with partners Music Crossroads in Area 23.

[REDACTED] will have oversight of the project as International Director of Programmes for Chance For Change. [REDACTED] will be supported by [REDACTED], who is former chief executive of Venture Trust. [REDACTED] has extensive experience of managing similar operations and has been involved in the design, delivery and management of many programmes in the UK, Nepal and Malawi. He has also developed considerable experience of managing and training expedition field staff and personal development trainers and regularly runs programmes that teach management and coaching principles designed to encourage personal effectiveness and leadership.

### Delivery of project in 2013

In 2013 Chance For Change ran the first 6 month personal development programme, which was completed by 90 young Malawians in December 2013. The programme included the topics as laid out above, delivered in weekly workshops. During the year a number of mass participation events took place in Area 23, Lilongwe, attended by over 1500 locals. Chance For Change has integrated with the local community and established strong working relationships with 5 primary schools, and many other NGOs working in Lilongwe. A successful set up phase has included a youth forum and a youth summit, attended by a member of the Malawian parliament. A youth enterprise bazaar, showcasing entrepreneurial efforts from our participants was broadcasted on the national Malawian TV news. Chance For Change is currently working with the Malawi Government on an initiative to give young Malawians access to finance to begin enterprises. In November 2013 the first Chance For Change leadership development residential took place, attended by 74 young Malawians in a wildlife reserve 10 km from Lake Malawi.

### Curriculum

Week	Phase	Workshop no.	Theme	Groups
1	Introduction		1 <i>Intro to C4C, Global citizenship, expectations and Diary</i>	1 - 5
2			2 <i>Social Contract + Basic Groupwork</i>	
3			3 <i>Experiential learning</i>	
	WEEKEND ACTIVITY	C4C GLOBAL CITIZENSHIP EVENT		
4	Core Curriculum		4 <i>Having a voice, Advocacy and Youth forums</i>	
5			9 <i>Making Effective Decisions</i>	
6			10	

		WEEKEND ACTIVITY	YOUTH FORUM 1 - TRIAL	1-5
7		11	<i>Personal Traits</i>	
8		12		
		WEEKEND ACTIVITY	TALENT CONTEST AUDITIONS	1-5
9		13	<i>HIV + AIDS</i>	
10		14		
		WEEKEND ACTIVITY	VOLUNTEER CLEAN UP	1-5
11		15	<i>Sexual Health</i>	
12		16		
		WEEKEND ACTIVITY	TALENT CONTEST (@MC)	1-5
13		17	<i>Entrepreneurial Thinking</i>	
14		18		
		WEEKEND ACTIVITY	YOUTH FORUM PROPER	1-5
15		19	<i>Drugs and Alcohol</i>	
16		20		

		WEEKEND ACTIVITY	SKILLS SHARING	1-5
17		21	<i>C4C Summits</i>	
18		22		
		WEEKEND ACTIVITY	YOUTH SUMMIT	1-5
19		23	<i>Micro Enterprise</i>	
20		24		
		WEEKEND ACTIVITY	MICRO ENTERPRISE AND BAZAAR	1-5
21	Residential Phase	25	<i>Planning of Residential</i>	
22		26		
23		27	<i>OUTDOOR RESIDENTIAL</i>	
24		28	<i>Residential review</i>	
25	FINAL PHASE	29	<i>Next steps</i>	
26		WEEKEND ACTIVITY	GRADUATION	1-5

## Biographies

### **Greg Barton - Chief Executive**



Greg stepped down after 12 years as the Chief Executive of Venture Trust and is the CEO of Chance For Change. A charity developed in partnership with Andy Ashworth, International Director of Programmes and Louisa Worlidge, International

Director of Programme Funding & UK Country Director, which provides an innovative programme for young people across the UK, Malawi and Nepal. Greg is a committed, energetic and passionate Chief Executive, who over the last 38 years has concentrated his efforts on establishing and growing third sector organisations.

Greg has a significant track record of providing strategic direction to organisations and their staff teams; he also has many years of experience in partnership negotiation, he is good at building and maintaining relations with NGO's, central and local governments and has worked with governments in the UK, Malawi, Nepal, Greenland and Australia. He has worked with British and International Embassies and extensively with in-country partners.

Greg has raised over £25m in his career as a Social Entrepreneur and has a wealth of Wilderness Journey/Expedition experience. This includes the first crossing of the Bering Straits by Sea Kayak; winter climbs in the French and Swiss Alps including summiting the Matterhorn and has established expeditions to the Northern Territory of Australia, the North West Highlands of Scotland, New Zealand, France, and Norway often with young people with complicated and challenging backgrounds who would not otherwise have had the opportunity.

### **Andy Ashworth - International Director of Programmes**



After serving in the Armed Forces, Andy has been involved in Outdoor Personal Development and has run outdoor expeditions for over 25 years both in the UK and overseas.

He was up until recently the Director of Operations for Venture Trust Wilderness Personal Development programmes. He has considerable experience of training expedition field staff and personal development trainers.

Andy is also a member of the Institute of Outdoor Learning and was the National Coordinator for Scotland for the IOL Accredited Practitioner scheme for several years. He sits on the Boards of the EOE (the European Institute for Adventure Education and Experiential Learning) and the Lochaber Outdoor Learning Partnership.

### **Louis Parkinson - Project Coordinator (Malawi)**



A fortuitous meeting with Greg Barton in Kathmandu, January 2012, has landed Louis his first position in international development with Chance for Change in Malawi.

He brings organizational and business experience having spent his last five years running a women's clothing business in the UK. He has a degree in Mathematics and Philosophy from Durham University.

During 2012 Louis cycled 1500 miles across the Balkans raising money for Centrepoint and spent two months as a volunteer teacher at a school in Nepal. He is a lively and enthusiastic individual, looking forward to expanding his horizons ever further.

### **SG funded project**

**Organisation: Chance for Change**

**Project Title: Chance for Change "Leading Malawi"**

**Total award: £385,814 over three financial years (2012-2015)**

This project comprises an innovative personal development and leadership programme which will offer advice and training to encourage the next generation of Malawian youth to develop the skills needed to take control of their own personal development. It will also provide support to help them pass on the skills, strategies and motivation to others in their communities. Within three years around 4,600 young people will access the information, training and support through youth fora which will help improve their health, ability to contribute to their communities and access to jobs and further education.

Working in Partnership with [Music Crossroads](#), an established Malawian Youth Organisation, Chance for Change is running this innovative youth programme based in Area 23.

With an estimated 100,000+ population, very poor housing, very poor facilities, and very high unemployment, particularly amongst young adults, Area 23 is a very challenging place for young people to grow up. Consequently, antisocial and risk taking behaviour is a rapidly growing problem that the traditional community and tribal structures are struggling to deal with.

The programme will focus on four key areas: personal effectiveness, drugs and alcohol, health and wellbeing (including HIV/AIDs) and entrepreneurial thinking (including micro-enterprise).

Chance for Change will also set up a series of **Youth Forums**, which will provide a platform for local youth to examine issues that face young people in Area 23 and advocate for these issues with local politicians and representative bodies such as the National Youth Council. Regular 'Youth Summits' will also be held, where detailed advocacy based work will take place.

As well as working with young people in an urban context, the programme participants will also be taken on an adventurous residential wilderness programme on the shores of Lake Malawi.

## BRIEFING ON THE DAVID LIVINGSTONE BICENTENARY SCHOLARSHIP PROGRAMME

In 2013, the bicentenary of the birth of Dr David Livingstone, the Scottish Government - through the International Development Fund (IDF) - awarded £100k to the Scotland Malawi Partnership (SMP) to create and administer a “David Livingstone Bicentenary Scholarship Programme”, which allows academically gifted but under-privileged Malawians to study to post-graduate level in topics relevant to the Government of Malawi’s Growth and Development Strategy. This flagship programme supports higher education in Malawi, and in so doing advances the Education strand of the Scotland-Malawi Co-operation Agreement.

The Programme covers tuition fees, essential research costs, book allowances and stationery allowances. It also covers significant subsidised essential living costs during the academic year. Following widely accepted best practice in Malawi, the programme has intentionally been designed to not cover all living costs: this “cost sharing” model ensures buy-in from the student and a strong commitment to the year of study.

An innovative and welcome feature of this scholarship programme is the attempt to add value through the existing Scotland Malawi relationship. Where possible, the scholarships will be focused on institutions and faculties with existing Scottish links. The Scottish FE/HE partners are encouraged to:

- match the contribution from the Scottish Government, thus increasing the number of scholarships and direct beneficiaries;
- support Malawian students who are awarded scholarships, through their period of study;
- continue to work with and support the relevant department/faculty through the two-way exchange of knowledge and expertise;
- explore areas of joint working, cooperation and joint research.

There are currently 37 scholarships awarded **including 22 females and 15 males, five of the scholars have disabilities.**

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- **2 from African Bible College:**
- **2 from Chancellor College:**
- **1 from Chancellor College, for Catholic University of Malawi:**
- **7 from College of Medicine:**
- **5 from Kamuzu College of Nursing:**
- **7 from Lilongwe University of Agriculture and Natural Resources:**
- **1 from Malawi Institute of Management:**
- **7 from Mzuzu University:**
- **1 from the Polytechnic, for Livingstonia University:**
- **2 from the Polytechnic:**
- **2 from ShareWORLD Open University:**

**Scotland-Malawi Scholarships Programme**

The proposal is to provide a further £100,000 of funding, which will provide for 30 scholarships for Masters Degrees. This is in addition to the £100,000 that was provided last year for the David Livingstone Bicentenary Scholarships which provided funding for 37 students studying at Masters level in Malawi.

The first round of the David Livingstone Bicentenary Scholarships Programme was successful, with excellent feedback in Malawi and Scotland. There was also positive coverage in the national media in both countries. The Scotland Malawi Partnership administered the David Livingstone Bicentenary Scholarships Programme on our behalf.

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**NOTE 2**

**BRIEFING FOR BUSINESS MEETING WITH MINISTER FOR TRADE AND  
INDUSTRY**

<b><i>Time of Engagement</i></b>	13:30 – 14:30
<b><i>Where</i></b>	Kumbali Lodge, Lilongwe
<b><i>Who</i></b>	Sosten Gwengwe, Malawian Minister for Industry & Trade Radson Mwadiwa, Principle Secretary for T&I Michael Nevin
<b><i>Why</i></b>	To discuss Trade & investment opportunities
<b><i>Key issues/messages</i></b>	<p><b>EXPORT DATA</b></p> <p><b>Figures from Global Connections Survey (GCS) til 2011 and HMRC’s Regional Trade Statistics (RTS) til 2012. The 2012 GCS data is due to be released on 29 January.</b></p> <p><b>Malawi</b></p> <p>The GCS suggests annual exports of the order of £5m to Malawi within the SIC classification of “other services”.</p> <p>HMRC RTS reports negligible exports to Malawi from Scotland. This is consistent with the GCS data as the RTS does not included services.</p>
<b><i>Media Handling</i></b>	N/A
<b><i>Gifts</i></b>	Cufflinks
<b><i>Annexes</i></b>	Annex A: Biographies

**ANNEX A**

**BIOGRAPHY OF SOSTEN GWENGWE**  
([REDACTED] *to ask BHC for bios*)

## BRIEFING FOR EDUCATION SCOTLAND

<b><i>Time of Engagement</i></b>	15:00 – 16:30
<b><i>Where</i></b>	Kumbali Lodge, Lilongwe
<b><i>Who</i></b>	There will be approximately 20 delegates from the Government of Malawi, including all directors in the Ministry as well as the Secretary for Education and the Principal Secretary for Basic and Secondary Education and up to seven members of the press. From the Scottish Government side there will be six delegates including members of the Ministerial party and colleagues from Education Scotland.
<b><i>Why</i></b>	Announce the signing of the Education Scotland agreement with the Government of Malawi
<b><i>Key issues/messages</i></b>	
<b><i>Media Handling</i></b>	News release
<b><i>Gifts</i></b>	
<b><i>Annexes</i></b>	Annex A: Order of signing ceremony Annex B: Briefing on Education Scotland agreement with the Government of Malawi Annex C: Biography of Dr Bill Maxwell, CE of Education Scotland

**ANNEX A**

**SIGNING CEREMONY FOR THE COOPERATION AGREEMENT 2014-2019  
BETWEEN SCOTLAND AND MALAWI TO IMPROVE EDUCATION**

**Purpose**

- To strengthen our links with Malawi and to deepen the mutual understanding of each country's educational policies and practices.
- To provide advice and technical support to senior Malawi colleagues in building their own capacity to improve the outcomes and life chances of Malawi children and young people.

**Order of ceremony**

- Director of ceremony (to be agreed) will provide the welcome remarks. One person from each side will introduce the delegation. Bill Maxwell will introduce the Minister and himself.
- The Secretary for Education, Science and Technology, Dr MacPhail Magwira will make the opening remarks, then invites Mr Agabu and Bill Maxwell to sign
- Dr Magwira invites the two Ministers to sign, exchange copies and shake hands.
- Dr Magwira invites the Malawi Minister for Education to speak and then asks Mr Yousaf to respond –(see separate speaking note). We are still awaiting sight of Dr Kanyumba's speech so there may be further alterations on receipt of his text.
- Press interviews
- Refreshments etc

**BRIEFING ON THE GENESIS OF THE STATEMENT OF INTENT BETWEEN THE SCOTTISH GOVERNMENT, GOVERNMENT OF MALAWI, EDUCATION SCOTLAND AND THE DEPARTMENT OF INSPECTION AND ADVISORY SERVICES**

In October 2012 Mr Russell visited Malawi and as part of that visit announced his intention that Education Scotland should formalise their work in Malawi in line with the 2005 Cooperation Agreement between the Scottish Government and the Government of Malawi.

On a recent visit to Malawi in December 2013 it was agreed that a Statement of Intent (SOI) was sought to support the work of the two governments. The SOI focuses on supporting system improvement in education, including improving approaches to self-evaluation and the inspection of schools to promote quality assurance and quality improvement. Education Scotland will also learn from Malawi in a number of ways, for example through hosting a conference with the Association of Directors of Education in Scotland (ADES) where schools can learn about best practice in Scotland-Malawi school partnerships.

The UK Government has stopped funding the Government of Malawi at present and the suspension will last until June 2014. Our SOI focuses on sharing knowledge and technical skills and does not involve any direct financial support for the Government of Malawi. We have been working closely with the International Development Division at Scottish Government as our plans have progressed.

The SOI is due to be signed by Bill Maxwell (Chief Executive, at Education Scotland) and Mr Yousaf (Minister for External Affairs) during a Scottish Government visit to Malawi on Thursday 23 January 2014. The agreement will also be signed by Mr Raphael Agabu, Director of DIAS and the Honourable Minister of Education, Science and Technology of the People's Republic of Malawi.

**BACKGROUND INFORMATION ON EDUCATION SCOTLAND**

The creation of Education Scotland in July 2011 brought together the resources and functions of Learning and Teaching Scotland (LTS), Her Majesty's Inspectorate of Education, the National Continuing Professional Development Team and the Scottish Government's Positive Behaviour Team.

Education Scotland's work covers the full range of educational provision in Scottish for learners of all ages across early years settings, all types of schools, including independent schools, publicly and privately funded colleges, community learning and development (CLD), teacher education, educational psychology services, voluntary organisations and prison education. Our executive agency status safeguards our ability to evaluate and report impartially on the quality of education provision and the success of national policy in practice.

We work closely with Scottish Ministers and the policy colleagues within the Scottish Government who advise them. This means that the evidence and analysis we provide feeds directly into the policy-making process.

Education Scotland's international activities are a key component of the organisation's core business. They are intended to strengthen Education Scotland's international reputation, and its positive influence, as a leader of thinking and practice in educational evaluation and improvement. The activities aim to:

- build the reputation of Education Scotland and, more generally, Scottish education and lifelong learning abroad,
- contribute to capacity building in Scottish education and across the international education community,
- inform thinking about education and lifelong learning policy within Scotland,
- allow Education Scotland to learn as an organisation, from and with colleagues from other countries, and
- contribute to the continuing professional learning of Education Scotland staff.

Education Scotland's international activities include receiving international visitors; making presentations and providing advice on quality improvement to senior educationists and government ministers from other countries; supporting international links and study visits, addressing international conferences; membership of international groups; and involvement in long-term international projects including the training of inspectors.

Education Scotland also identifies and disseminates good practice in international learning as part of our professional policy advice to Ministers, and in schools and other educational settings. This helps to ensure that learners of all ages experience high quality international learning as part of Curriculum for Excellence and other relevant policies.

### **Education Scotland –links with Malawi**

Education Scotland has worked with Link Community Development (LCD) on a frequent basis on teacher professional development. Education Scotland also provide advice on LCD's various resources for teachers. The proposed five year co-operation agreement with the Malawi Government is focused on areas of joint interest, and will strengthen collaboration with LINK.

Marys Meals – Education Scotland has set up 2 Glow Meets with schools and Mary's Meals has delivered workshop sessions at Education Scotland events.

The Scotland Malawi Partnership (SMP) is active in promoting and supporting school partnerships (see background briefing note 20), and Education Scotland have worked with them often to assist this and on teacher professional development. For example, [REDACTED] co-chaired a recent 2012 one day conference about Development Education issues with the SMP.

We were represented on a group involved in aspects of the Dr David Livingstone Bi-centenary Celebrations. Education Scotland will promote this work through their 'Learning about Scotland' site, which will bring together in one place material produced by other organisations.

In addition, Education Scotland has also worked with several charities and organisations which have a Malawi connections, for example:

- Voluntary Services Overseas (VSO) has sent Scottish teachers as volunteers to Malawi schools, and Education Scotland helped promote these volunteering opportunities to teachers.
- Fair Trade activity is present in a high percentage of Scottish schools and local authorities, especially in the period around Fair Trade Fortnight (Feb-March). It is promoted by several Scottish charities, and Education Scotland have worked with schools, authorities and those charities to encourage fair trade activity.

**BIOGRAPHY FOR DR BILL MAXWELL, CHIEF EXECUTIVE, EDUCATION SCOTLAND**

Dr Bill Maxwell was appointed as Chief Executive of Education Scotland in May 2011. Education Scotland has been established by the, Cabinet Secretary for Education and Lifelong Learning, as a new style of integrated improvement agency, supporting quality and improvement in Scottish education. Bill previously held the post of Senior Chief Inspector of Education in Scotland and, prior to that, Chief Inspector of Education and Training in Wales.

Dr Maxwell began his career in 1984 working as an Educational Psychologist in the South-West of Scotland. He became Principal Psychologist in Aberdeen before joining HM Inspectorate of Education in 1994. He initially worked as an Inspector in the North of Scotland, undertaking postings as a District Inspector and Lead Inspector for Quality Standards and Audit, before progressing to Head of the Northern Division, Head of the Secondary Education Directorate and laterally Head of Pre-school and Independent Schools Inspection.

From 2006 to 2008 he was seconded to the Scottish Government as Head of Education and Analytical Services and in February 2008 he moved south to take up post as Her Majesty's Chief Inspector of Education and Training in Wales on 1 February 2008. He took the Welsh inspectorate through a major review of its core business and organisational structure before moving back to Scotland to take up the post as HM Senior Chief Inspector on 15 February 2010.

## BRIEFING FOR MULTILATERALS DINNER

<b><i>Time of Engagement</i></b>	19:30
<b><i>Where</i></b>	Lattitude 13 Restaurant
<b><i>Who</i></b>	EU Rep, UN Rep, DfID, BHC
<b><i>Why</i></b>	
<b><i>Key issues/messages</i></b>	
<b><i>Media Handling</i></b>	N/A
<b><i>Gifts</i></b>	N/A
<b><i>Annexes</i></b>	Annex A: Background Annex B: Biographies

## BACKGROUND

### Scotland's International Narrative

#### Key Lines

- Scotland has made a full contribution to global culture, economy and life over its history and will continue to do so. Outward looking and internationally focused, Scotland's relationship with other world nations has been, and remains, of great importance.
- With independence, Scotland would have the opportunity to develop relations with other countries solely based on Scottish security, political, social and economic interests.

#### Background: Facts and Figures

- Scotland continues to be a highly attractive place for international investment. The Ernst & Young UK Attractiveness Survey, published in June 2013, shows that Scotland has been ranked in the top two regions for Foreign Direct Investment in the UK outside London for the past six years running and has been the leading region twice in the past three years.
- Scotland is internationally recognised as a key location for creative industries and technology; in 2010 the arts and creative industries sector accounted for over 84,000 direct jobs and contributed £3.2 billion GVA (Gross Value Added).
- Scotland's score and rank (15th) on the Anholt - GFK Roper Nations Brand index 2012 show that Scotland continues to have a strong reputation abroad.
- Scotland is also a highly successful exporter; the latest Global Connections estimates a seven per cent increase in manufacturing and service sector exports since 2010. In particular Scottish exports to the EU increased by 14.7 per cent, and exports to Asia have grown by 8.7 per cent.
- Scotland is and will continue to be, fiscally responsible and economically sound. This Government has run a balanced budget for five years already and independence will mean continuing economic stability.

#### Background: supportive quotations - from SG publications

##### Scotland's Future (p.210)

"Scotland starts with an enviable reputation and a strong international identity. Our international brand is one of our most important assets as a country.

Even without independent status, Scotland's international brand value already ranks 15th out of 50 nations according to international comparisons published in 2012. Scotland has continually scored highly and is ranked similarly to - and often ahead of

- other comparably-sized, high income, democracies such as Denmark, Finland, Ireland and New Zealand.” - (The Anholt-GfK Roper Nation Brands Index (NBI) “Scotland’s International Framework” - October 2012:

- “Scotland starts from a very strong position in terms of its international work. Our activities over the last four years have helped us to enhance our international reputation and brought tangible benefits. For example, the annual Scotland Week programme and our broader engagement with North America generate millions of pounds for the Scottish economy. Visits by the First Minister to Europe and the Gulf have helped to attract inward investment and support Scottish business to expand internationally. We are determined to further enhance the profile and reputation of Scotland both at home and abroad.”

[REDACTED]:

[REDACTED].

- [REDACTED].
- [REDACTED].
- [REDACTED].
- [REDACTED].
- [REDACTED]

[REDACTED].

- [REDACTED].
- [REDACTED].

## Foreign Policy - General

**It is only independence that allows unmediated access to full participation in international organisations and the opportunity to develop a foreign policy.**

**Scotland would develop relations with other countries solely based on Scottish security, political, social and economic interests.**

[REDACTED]:

- [REDACTED];
- [REDACTED]; and
- [REDACTED].

### **Scottish Government - Scotland's Future: Your guide to an independent Scotland - 26 November 2013**

*“On independence, Scotland will be clearly positioned as a country which observes international law and respects and promotes human rights, democratic values, equality and good governance. We have unique advantages and experience to offer in the field of climate change and energy. We have shown that we can innovate through our approach to international development and aid. We also have world leading expertise to offer in education, health improvement and research. This is an exceptionally strong starting position and shows clearly the contribution an independent Scotland can make internationally.”*

[REDACTED]:

- [REDACTED]  
[REDACTED]
- [REDACTED]

An independent Scotland will be represented overseas by a network which works in the national interests of Scotland. The current Scottish Government is open to the sharing of services and facilities with the rest of the UK or with other countries where this is of mutual benefit. Such arrangements already exist between the UK and other nations, such as Canada. (Scotland's Future Answer to Q.289 p. 466)

[REDACTED]:

[REDACTED]. It has also been reported (21 January 2013) on the DiploNews website that “Australia has become “the only country in the world with whom Britain has a formal agreement to share confidential diplomatic reports on a systematic basis.” [REDACTED].

- **What would Scotland's foreign policy be towards the remainder of the UK?**

*From Scotland's Future (p.216):* “Independence will allow Scotland and the rest of the UK to work together on matters of common interest, as nations do across the world. This will include current cross-border arrangements on health treatments,

combating serious and organised crime and terrorism and administrative arrangements to deliver services to the people of Scotland and the rest of the UK when this makes sense. To suggest otherwise is to believe that the Westminster Government would act against the express interests of people and businesses in the rest of the UK.

Scotland's most important diplomatic relationships will be with the rest of the UK and Ireland, reflecting cultural history and family ties, shared interests in trade, security and common travel. The current Scottish Government plans a substantial diplomatic presence in both London and Dublin and will be active participants in the British-Irish Council, the secretariat of which is already based in Edinburgh.

Scotland and the rest of the UK will have a very close and constructive relationship on many foreign policy issues; it is natural that the values and interests of such close neighbours will often be aligned. The current Scottish Government would intend to support the rest of the UK in maintaining its seat on the UN Security Council. However, there will be issues on which a fundamentally different approach is right for Scotland and only independence gives us the opportunity to take that different path.”

- **Scotland would not have the same influence internationally if it became independent.**

“Today, Scotland's Government and Parliament do not have an automatic right to speak directly on the international stage. The fundamental advantage of independence in foreign affairs is the ability always to put Scotland's interests first. Our overseas network of embassies and consulates will be working to promote Scotland's interests, in particular to develop opportunities for trade and investment.” (Scotland's Future, Q. 272, p. 462)

[REDACTED]

From Foreign Affairs Committee evidence

*Dr Juliet Kaarbo – Oral Evidence 15 January 2013*

- “There are things that Scotland would be able to do as an independent country that it cannot do now: it could vote in international organisations ... and it could decide which treaties to support and which ones not to.”

[REDACTED]

[REDACTED]

- [REDACTED].

[REDACTED]

[REDACTED]

- [REDACTED].
- [REDACTED].
- [REDACTED].
- [REDACTED].

### **UK and Scotland**

[REDACTED]  
[REDACTED]

[REDACTED] —

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

*“...from the day after the referendum the United Kingdom would assert that it was the continuing state to continue in existence and we believe that the weight of both precedent and of international law would mean that that position would be upheld by others.”* – **Rt. Hon. David Lidington MP, Minister for Europe, Foreign Affairs Committee, 28 January 2013**

*“...the first Scotland analysis paper, which the Government produced in February, examined the constitutional position. We did so on the basis of advice from Professor James Crawford of Cambridge University and Professor Boyle of Edinburgh University—two outstanding experts in the field. Their analysis—one which represents the view of the United Kingdom Government—is that the rest of the United Kingdom would be a continuing state, with all the rights and responsibilities such as permanent membership of the Security Council of the United Nations and membership of the European Union on the terms that have been negotiated, and Scotland would be a new state.”* **Advocate General, Lord Wallace, 5 December 2013**

### **In contrast the Scottish Government takes a reasonable view and recognises the reality that each case will rest on the circumstances—**

**DFM, Nicola Sturgeon, Foreign Affairs Committee 28 January 2013** – *“I accept that there is ambiguity in terms of international law. Just as I have articulated a position in favour of the principle of state succession, I appreciate that there are witnesses who have given evidence to you and there are experts in international law who would take a different view. If you look at precedent, in the case of the dissolution of Czechoslovakia we had the Czech Republic and Slovakia as two co-equal successor states. In the case of the dissolution of the Soviet Union, we had a very different situation where the Russian Federation became the continuing state. So, precedent would lead you in different directions. I have said that there is a strong case to be made for the principle of successor state but I have also said that in reality, and precedent would bear this out, particularly when you consider that in light*

*of the Edinburgh Agreement, what we are engaged in in Scotland is an agreed consensual and constitutional process, I think these matters would be determined by a mature and sensible discussion between Scotland and the rest of the UK.”*

[REDACTED]:

- [REDACTED].
- [REDACTED].
- [REDACTED].
- [REDACTED].

[REDACTED]

- [REDACTED]
- [REDACTED].
- [REDACTED].
- [REDACTED]

#### **Background: supportive quotations -**

From Foreign Affairs Committee oral evidence sessions and written evidence

*Dr Daniel Kenealy, University of Edinburgh – 26 September 2012*

- ‘When assessing issues of state succession international law is imprecise’.

*Dr James Ker-Lindsay, London School of Economics and Political Science – 26 September 2012*

- “In the event that Scotland declares independence from the United Kingdom with the consent of the British government, there is little reason to believe that Scotland will face any serious impediments in its attempts to join the UN and other major international organisations. In fact, it could become a member of the UN within a matter of days following a declaration of independence. Following on from this, one would expect it to become fully integrated into the international community remarkably quickly – most probably within a matter of a few months.
- Assuming that Scotland’s independence is not contested by the British Government, there is no reason to suggest that Scotland would face any serious hurdles in terms of joining key international organisations...”

*Professor Nigel White, Professor of Public International Law, University of Nottingham*

- “With a settled Government, territory and population, and no disputes, I cannot see it being a problem for it to be quickly accepted in the international community. I think that within the UN that would be the case, and within international law as well.”

*Professor Robert Hazell – Director of Constitution Unit, University College London*

- “come a yes vote, the interest in both Edinburgh and London in co-operation would be great. The international interest would be in the two settling any differences, and as Malcolm (Chalmers) says, maintaining stability.”
- But, depending on the political context, that application [for EU membership] would almost certainly be fast-tracked, in particular if the independence referendum had gone smoothly, the UK recognised the vote of the people of Scotland and said—as the Prime Minister has continued to say—“If the people of Scotland vote for independence, we the UK Government would not stand in their way.” **The UK Government would then be morally obliged to facilitate an independent Scotland in becoming an independent state and joining the international community in all its different forms.**

*Malcolm Chalmers, Research Director, UK Defence Policy, Royal United Services – 9 October 2012*

- “Their main message to the two governments, therefore, would be likely to be; sort out your differences between yourselves, and then come to us with a joint proposal for how Scotland and the rUK would take their places within the broader community of states.”

### **Supporting information**

[REDACTED]

- [REDACTED].
- [REDACTED].
- [REDACTED].

[REDACTED]:

- [REDACTED].
- [REDACTED].

[REDACTED]

- [REDACTED].
- [REDACTED].

[REDACTED].

- [REDACTED].

[REDACTED]  
1. [REDACTED]  
[REDACTED]  
[REDACTED] ...  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **Membership of UN/International Organisations**

[REDACTED]

- [REDACTED].
- [REDACTED]
- [REDACTED].

### **Background: Facts and Figures**

- Since the creation of the UN in 1945, with 51 founding members, membership has grown to 193, with the newest member being South Sudan. The Republic of South Sudan formally seceded from Sudan on 9 July 2011 as a result of an internationally monitored referendum held in January 2011, and was admitted as a new Member State by the United Nations General Assembly on 14 July 2011.
- 21 days before they came into existence on 1 January 1993, the Czech Republic and the Slovak Republic, applied for membership of the United Nations. The Czech Republic and the Slovak Republic were admitted as Member States on 19 January, 18 days after becoming independent..
- International organisations have different processes for dealing with applications for membership and there are different timescales for membership to be approved. The Edinburgh Agreement means that Scotland and rUK can negotiate, during the transition, the characterisation of the UK's subsequent break up, and the consequences of that, and all international precedents show that if the parties to the break-up agree a reasonable position amongst themselves, then the international community will accept that outcome.
- Information on membership criteria and costs (where available) for the OSCE, Council of Europe, OECD, UN, NATO, WTO, EU, World Bank and IMF are attached at Table 1, below.

## **Background supportive quotes**

**Professor Nigel White, Professor of Public International Law, University of Nottingham - 16 October 2012 [REDACTED]:**

*“For membership of the United Nations, as I said in my paper, all the practice indicates that Scotland would be treated as a new state and would have to apply for admission, and that would require support from both the Security Council and the General Assembly under article 4 of the UN charter, but that can be done relatively quickly, in the space of a few months, unless there are any serious objections, particularly in the Security Council, and I cannot see that happening.”*

*“With a settled Government, territory and population, and no disputes, I cannot see it being a problem for it to be quickly accepted in the international community. I think that within the UN that would be the case, and within international law as well.”*

**Dr James Ker-Lindsay, London School of Economics and Political Science – 26 September 2012:**

*“In the event that Scotland declares independence from the United Kingdom with the consent of the British government, there is little reason to believe that Scotland will face any serious impediments in its attempts to join the UN and other major international organisations. In fact, it could become a member of the UN within a matter of days following a declaration of independence. Following on from this, one would expect it to become fully integrated into the international community remarkably quickly – most probably within a matter of a few months.*

*Assuming that Scotland’s independence is not contested by the British Government, there is no reason to suggest that Scotland would face any serious hurdles in terms of joining key international organisations.*

## **'Elephant Traps' and Line to take:**

**Which international organisations would an independent Scotland become a member of?**

Scotland’s Future (p. 226) sets out that:

*“Scotland will take its place as a member of the United Nations, working with like-minded countries to promote global issues of importance to the Scottish people, such as human rights and tackling climate change and to advance global development, including support to those countries most in need. The UN continues to form the basis for international co-operation, committed as it is to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights.*

[REDACTED]

[REDACTED]:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]

**It would be a time-consuming and costly process for Scotland to become a member of all of the relevant international organisations.**

Scotland's Future Q. 270 (p.462): "Scotland already pays a share of the UK's membership fees for international organisations. Other states of a similar size to - and smaller than - Scotland are members of international organisations. Our membership costs would be appropriate to our size and would be determined by the funding protocol for each organisation."

Other states have become members of these organisations without any undue delay or difficulty.

**You argue that Scotland would continue as a member of the EU but would apply for membership of other organisations – isn't this inconsistent?**

Scotland's continuing membership of the EU is based on the fact that Scotland has been part of the territory of the European Union, and the people of Scotland citizens of the EU, for almost forty years. Moreover there is no provision for immediate cessation of membership. Member states or parts cannot simply be ejected from the EU. Whereas common sense suggests that discussions on EU membership would take place in parallel to discussions with the UK following a 'yes' vote, Scotland would seek to join other international organisations at the point of independence. This is because the process of succession to international treaty organisations (such as the UN) would involve Scotland writing to international organisations (who are usually the depositary of multilateral treaties concluded under their auspices) indicating which treaties Scotland is succeeding to; a similar process can be done with other States re bilateral treaties.

[REDACTED]

[REDACTED]

- **How would Scotland afford international organisation memberships?**

Other states of a similar size – and smaller – to Scotland are members of international organisations. Our membership costs would be appropriate to our size.

- **Would Scotland agree to give up any claim to the UK's seat on the UN Security Council.**

Scotland's Future Q. 271 (p. 462): "An independent Scotland would not expect to have a permanent seat on the Security Council. Like other nations, Scotland would from time to time be a non-permanent member of the UN Security Council according to the existing system of election for non-permanent members by the General Assembly.

The current Scottish Government would intend to support the rest of the UK remaining a permanent member of the UN Security Council."

[REDACTED]

## Membership Processes & Costs for International Organisations

Organisation	Member States	Process for Membership	Annual Budget	UK Membership Costs	[REDACTED]
<b>Organisation for Security and Co-operation in Europe (OSCE)</b>	57 participating states - UK joined 1975	Becoming a 'participating state' requires a consensus by all the participating states	2012 budget: 148 million	<b>Estimated at EUR 15m</b> 9.35% of total budget for OSCE Secretariat and Institutions and 11.09% for field operations.	[REDACTED]
<b>Council of Europe (COE)</b>	47 Members - UK founder member in 1949	Membership Process - Treaty of London - Article 4 - Any European State which is deemed to be able and willing "to accept the principles of the rule of law and of the enjoyment of all persons within its jurisdiction of human rights and fundamental freedoms" <b>may be invited</b> to become a member of the Council of Europe by the Committee of Ministers.	EUR 302, 772, 400 – total contributions from member and non-member countries	<b>EUR 31.7m (approx. £25.8m)</b>	[REDACTED]
<b>Organisation for Economic Co-operation and Development (OECD)</b>	34 member states – UK founding participant in 1948	No standard process- considered on own merits. Final invitation to accede to OECD Convention needs to be agreed unanimously by all OECD members.	2011 budget: EUR 342m	In 2011 the UK contributed approximately <b>EUR 10.7 million (6.28%)</b> to Part 1 funding. Individual government departments decide the scales of contributions to the Part 2.	[REDACTED]

<b>United Nations (UN)</b>	193 Members	Membership is open to: "all other peace –loving states that accept the obligations contained in the present Charter and, in the judgement of the Organisation, are able and willing to carry out these obligations." Admission is effected by a decision of the General Assembly upon the recommendation of the Security Council	2012-13: Regular (core) UN budget = \$5.15 billion 2011-12 Peacekeeping budget = \$7.84 billion	2011: <b>UK contributed £155m</b> to the UN Regular Budget, assessed rate of 6.6% of the total 2010-11: UK contributions Peacekeeping budget were <b>£546m</b> an assessed rate of 8.15%	[REDACTED]
<b>North Atlantic Treaty Organisation (NATO)</b>	28 Member states	NATO's "open door policy" is based on Article 10 of its founding treaty. Any decision to invite a country to join the Alliance is taken by the North Atlantic Council, NATO's principal decision-making body, on the basis of consensus among all Allies. No third country has a say in such deliberations.	NATO does not publish a budget and has been in severe deficit for several years. Estimate quoted by the FCO is a budget of roughly EUR 1.8 billion	2011-12, UK estimated total direct financial contributions were <b>£201.4 million</b>	[REDACTED]
<b>World Trade Organisation (WTO)</b>	157 member states (UK Joined 1 January 1995)	Any state or customs territory having full autonomy in the conduct of its trade policies may seek to accede to the WTO but members must agree on the terms. Members join through process of negotiating; balance of rights and obligations. Countries negotiating membership are WTO "observers"	2011: CHF 196 million (approx. 209m USD)	2011 UK contributions were CHF <b>9.4m</b> or <b>£6.4m</b>	[REDACTED]
<b>European Union (EU)</b>	27 members		In 2011, was approx. EUR 140 billion.	2011-12: UK net contribution to the EU forecast by the OBR at <b>£8.3 billion</b>	[REDACTED]

<b>The World Bank</b>	188 member countries	Under the Articles of Agreement of the International Bank for Reconstruction and Development (IBRD), a country must first join the International Monetary Fund (IMF) prior to becoming a member of the World Bank. Membership in The International Development Association (IDA), International Finance Corporation (IFC) and The Multilateral Investment Guarantee Agency (MIGA) is conditioned upon membership in IBRD.	information tbc	UK is a major shareholder ( <b>£250 million paid-in capital</b> ) and funder (committing <b>£2.66 billion to IDA over the period 2012-2015</b> ), as well as providing substantial resources to trust funds managed by the Bank	[REDACTED]
<b>The International Monetary Fund (IMF)</b>	188 member countries (UK joined December 27, 1945)	Any country may apply to become a member of the IMF. Applications are examined by the IMF's Executive Board and if found suitable, are passed to IMF's Board of Governors for consideration.	information tbc	information tbc	[REDACTED]

## Membership

[REDACTED]

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[REDACTED]

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- [REDACTED].

## What is the position of the European Commission?

**President Barroso** in a letter to the House of Lords on 10 Oct 12, noted "The European Commission would express its opinion on the legal consequences under EU law upon request from a Member State detailing a precise scenario." **An approach the UK Government has refused to make.**

## The UK Rebate

Scotland's Future Q. 265 (p. 460):

"The EU budget has been agreed until 2020 and the Scottish Government will not seek to re-open budget discussions until the next funding cycle, at which point we will be negotiating as a full member state. Prior to 2020, the division of the share of the UK rebate will be a matter for agreement between the Scottish and Westminster Governments and the Scottish Government will argue for an equitable share."

Lord Wallace recently (HoL debate, 5 Dec 13) suggested that the Scottish Government had misunderstood the basis of the rebate and that with independence there would be no Scottish share. [REDACTED].

- [REDACTED].
- [REDACTED].
- "Scotland's membership should not require the EU to spend a single euro more or a euro less and that is a strong reason why (member states) would not

wish to re-open budget negotiations." (Graham Avery, The Herald, 14 March 2013)

### Quotes on Scotland's EU membership

- **Sir David Edward, British Judge of the European Court of Justice 1992-2004.** *"..in accordance with their obligations of good faith, sincere cooperation and solidarity, the EU institutions and all the Member States (including the UK as existing), would be obliged to enter into negotiations, before separation took effect, to determine the future relationship within the EU of the separate parts of the former UK and the other Member States".* Constitutional Futures Forum 17 December 2012 and,
- **Sir David Edward again** - *"All the recent discussion presupposes that nothing happens until the moment of separation. My simple argument is that is absurd. There is in EU law an obligation on the UK and all other EU member states and institutions to negotiate the terms of the relationship between Scotland, the rest of the UK and the EU after Scottish independence,"* – Financial Times, 2 Dec 13
- **Professor Keating Professor of Politics, University of Aberdeen & Director, ESRC Scottish Centre on Constitutional Change** *"The objection that for a while Scotland would be outside the European Union before negotiating to go in, I think is unrealistic...I think it's in nobody's interests to create a hole in the single market and disrupt all relationships between Scotland and the EU".*- Oral evidence to the European and External Relations Committee, 5 Dec 13
- **Professor Stephen Tierney, Professor of Constitutional Theory, University of Edinburgh and Director of the Edinburgh Centre for Constitutional Law.** *"...since the EU is at liberty to set its own membership rules, a process of negotiations to facilitate Scotland's membership without a period of exit from the Union would seem to be (sic) flow from the spirit of Article 50."* – Written evidence to the EERC Committee, EU/S4/13/22/2
- **The new adviser to the Better Together campaign, Jim Gallagher, also thinks that Scotland's membership of the EU is assured** – *"So, for example, it seems pretty likely that Scotland would be an EU member state, probably after an accelerated set of accession negotiations. Precisely what the conditions of membership would be is not quite so clear, though immediate requirements to join the Euro or the Schengen agreement can surely be avoided."* Blog on University of Edinburgh website, 10 Apr 13.

**Yves Gounin, formerly chief of staff to the French minister for European Affairs, and currently a Conseiller d'État, a member of the legal body providing official legal advice to the French Government** dismisses the view that Scotland would have to exit the EU temporarily solely in order to reapply for membership – as *"unrealistic"*. He supports David Edwards' view that it is in the interests of the EU to ensure that the process proceeds smoothly and results in the seamless accession of an independent Scotland to full EU membership. He says that this can best be achieved by *"simultaneously negotiating independence alongside negotiating membership of the EU"* and *"a negotiation of good faith would be in the interests of everyone"* – journal article in *Politique Étrangère*, 6 Jan 14

### Quotes on 18 month Timescale

- We know that we can negotiate within the 18 month timetable as when asked, the UK's own legal adviser, Professor James Crawford, said "Well, the Scottish estimate is about 18 months, and that seems realistic." [Radio 4 - Today Programme - 11 Feb 13]
- **On 26 Dec 2013 The Independent newspaper claimed SG had failed to mention a subsequent legal clarification from Professor James Crawford regarding EU membership. The Independent printed a correction on Saturday 11 January 2013 to "make it clear that the First Minister of Scotland, Alex Salmond, utterly refutes the claims made in the article, and that neither he nor his legal team has received any "updated legal advice for the UK Government" outlining the implications of Scottish independence in the way the article describes."**
- **Professor Crawford's comments echo comments made by the Irish Minister for European Affairs, Lucinda Creighton, in an email to Nicola Sturgeon on 26 Jan 2013:** "As SNP Westminster Leader, Angus Robertson said 'Negotiations on the terms of membership would take place in the period between the referendum and the planned date of independence', and that 'The EU would adopt a simplified procedure for the negotiations, not the traditional procedure followed for the accession of non-member countries'. I think that sums up the situation quite well."

**The real threat to EU membership is a no vote with both Phillip Hammond and Michael Gove** [BBC Online 12 May 13] saying they would vote to leave the EU. Nearly half of the Conservative Party's backbenchers have now written to the Prime Minister to demand, "...*that the Government change the law and give [the UK] parliament a veto over new EU legislation*", Financial Times, 13 Jan 14

## BACKGROUND SPECIFICALLY ON DFID & THE EU – ID CONTEXT

### DFID's Multilateral Spending 2011/12

[DFID \(2012\) Statistics on International Development](#)

<b>Total ODA</b>	<b>£8,629</b>	
<b>Total Multilateral</b>	£3,258m	37.7% of ODA
<b>European Commission</b>	<b>£1,220m</b>	<b>14.1%</b>
World Bank	£1,039m	12.0%
United Nations	£377m	4.3%

*'In the future, the effectiveness of DFID will depend more on what it can do with others, than on what it can do alone'* ([HERR](#) 2012).

### The EU and International Development

The European Union provides half of all official humanitarian aid. It has its own agency – ECHO – which is the second largest global donor in its own right.

### DFID and the EU

DFID's Multilateral Aid Review rated the European Development Fund (EDF) among the top performers in terms of delivering effective, transparent aid and demonstrating inclusive partnerships.

DFID's 2011-2015 Operational Plan outlines their vision to ensure that EU aid is fully transparent and results-driven and provides good value for money delivered in line with best practice ([DFID](#) 2012).

DFID intend to reduce support for research, and activities concerned with lobbying for, and influencing, EU development priorities

### Criticisms

- DFID's oversight of the UK's contribution to the EU:
  - *'DFID's oversight of the UK's contribution to EU aid spending has a clear focus on improving the way in which the EU assesses and reports on the performance of its development programmes. Overall however, **DFID's oversight does not provide the assurance needed**, given the substantial scale of the UK's contribution and the limited discretion the UK has about the EU as a route for aid. DFID's oversight is not based in the same quality of information it has for the oversight of the World Bank or Asian Development Bank. It is hard to see how DFID's influence is making a difference to EU aid on the ground'* ([ICAI](#) 2012).
- The [ICAI](#) review also identified an urgent need for DFID to advocate for improved risk management in the EU, to streamline coordination and have a sharper focus on value for money. Moreover, the report was critical that DFID do not include the voice of the beneficiaries in their engagement with the EU.

- The Humanitarian Emergency Response Review noted some significant failings in DFID's engagement with ECHO. Despite the fact that the UK provides a sixth of ECHO's funding, it does not engage with the agency strategically.
  - *'DFID's policy level relationship with ECHO is weak. **DFID and ECHO too often work in parallel, failing to communicate effectively.** This results in duplication of work and costly overlaps. In disaster situations ECHO is routinely unaware of what DFID's response will be. At policy level, DFID focuses priority attention on the major UN humanitarian partners rather than other donors. The lack of effective partnership with ECHO is a wasted opportunity. The UK holds a unique position amongst EU member states, with capacity to provide effective humanitarian aid when acting alone. This experience if better shared, could be beneficial to both agencies.'* ([HERR](#) 2012).

The [HERR](#) recommends that DFID:

- Needs to be more aware of ECHO's strategic planning processes and engage with these.
- Needs to get smarter at sharing resources with ECHO.

## Q&A

### **Legal Advice on EU membership/position? What is it?**

- The UK Government has not published legal advice but has published legal opinion from Professors Crawford and Boyle. It is a long standing convention not to publish legal advice to Government.

Scotland's Future (Q 256, p. 457)

#### **The route to EU membership, as set out in Scotland's Future, is consistent with Scottish legal advice:**

“Following a vote for independence, the Scottish Government will immediately enter into negotiations with Westminster and EU member states to ensure that an independent Scotland achieves a smooth and timely transition to independent membership of the EU. Scotland will negotiate the terms of membership of the EU during the period we are still part of the UK and, therefore, part of the EU.

There is, within the EU Treaties, a legal framework by which Scotland, a country that has been an integral part of the EU for 40 years, may make the transition to independent EU membership in the period between the referendum and the date on which Scotland becomes an independent state. Article 48 provides a suitable legal route to facilitate the transition process, by allowing the EU Treaties to be amended through ordinary revision procedure before Scotland becomes independent, to enable it to become a member state at the point of independence.

There is no Treaty provision that would require Scotland to leave the EU on independence. It would also be against the self-interest of the EU collectively, and of the Member States individually, to seek to deprive Scotland of EU membership given that Scotland is an integral and highly valued part of the single market. Throughout its history the guiding principle of the EU has been enlargement of its membership, not contraction.”

#### **What are the connections with and potential impact of the Catalanian Referendum?**

- [REDACTED]

#### **Federico Trillo-Figueroa, Ambassador of Spain to the UK. Letter to the Financial Times 9/11/12**

- “Scotland was an independent nation and has been part of the United Kingdom since the Scottish parliament decided freely to join in the 18th century. By contrast, Catalonia was part of the wider Kingdom of Aragon and has been an integral part of Spain since its inception, more than five centuries ago.” “...the unity of the Spanish nation is solemnly enshrined in the Spanish constitution and the only legal way to trigger a process which results in the independence of any region is through a constitutional amendment. Is such an amendment possible? It certainly is, but the process would require a large majority in the Spanish parliament, new elections and further approval in a referendum held throughout the country.”

## Would Scotland lose the UK's opt outs on the Euro, Schengen and the UK Rebate?

[REDACTED].

- [REDACTED].
- [REDACTED].
- UK and Denmark gave notification that they would not move to Stage 3 of economic and monetary union and adopt the euro. This opt-out is different from a derogation.
- The remaining 8 Member States (including Sweden) have a derogation to allow them time to make the necessary adjustments to meet the convergence criteria.
- SG set out its position in the White Paper, Your Scotland, Your Voice published in November 2009
- **SCHENGEN:** [REDACTED]

## Wouldn't Scotland lose influence in the EU and the wider world if it became independent?

- No. Many nations the size of Scotland – and smaller – have a huge part to play in the world.

EU (Scotland's Future, Q. 259, p. 458)

No. "Stronger. Scotland currently has a limited voice in Europe. The Scottish Government is permitted to make an input to Westminster discussions about EU proposals that impact on devolved matters, but Westminster is under no obligation to take account of the views of the Scottish Government when determining its position at EU-level negotiations.

Independence will give Scotland our own voice in Europe, participating at every level in the EU policy process and ensuring that Scottish governments are able to promote and protect Scotland's national interests in EU affairs.

As an independent member state the Scottish Government will be able directly to promote our economic and social interests and protect our citizens by participating on equal terms with all other member states in EU affairs. Scottish Ministers would participate fully in meetings of the Council of the European Union and Scotland would have increased representation in the European Parliament, thereby increasing Scotland's voice in the two legislative bodies of the EU.

Where Scotland's interests coincide with the interests of the rest of the UK, together we will form a more powerful voice for action. When Scotland has a distinct view, we will have a new ability to build alliances and make our case, ensuring that what is right for the people of Scotland is heard.

The current Scottish Government firmly believes the only government capable of properly representing Scotland's interests in the EU decision-making process is a government elected by, and directly accountable to, the people of Scotland.”

- In the EU, for example, the presidency of the Council of the European Union was held by Cyprus up until the end of last year, is currently held by Ireland and will pass to Lithuania in July.
- These countries are all smaller than Scotland and as independent states, all influence the agenda in Europe and directly determine EU policies. After independence, Scotland will also have that opportunity to lead the way and work with our neighbours on areas of common interest.

Internationally (Scotland’s Future, Q. 272, p. 462)

“Stronger. Today, Scotland's Government and Parliament do not have an automatic right to speak directly on the international stage. The fundamental advantage of independence in foreign affairs is the ability always to put Scotland's interests first. Our overseas network of embassies and consulates will be working to promote Scotland's interests, in particular to develop opportunities for trade and investment.”

- [REDACTED].
- [REDACTED].

**How much influence do these countries really have?**

- [REDACTED].
- [REDACTED].
- [REDACTED] <sup>1</sup>.
- [REDACTED].
- [REDACTED].
- [REDACTED].

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<sup>1</sup> “Far from dominating EU decision-making, France and Germany are among the least successful EU states at negotiating legislation and budget contributions.”  
<http://blogs.lse.ac.uk/europpblog/2013/01/08/countries-which-have-most-success-in-council-negotiations/>

## NATO

**Top Line: An independent Scotland's membership of NATO is in the interests of Scotland, the rest of the UK and of other NATO members. (Page 250)**

### **KEY ARGUMENTS:**

- It is in Scotland and NATO's interests for Scotland to be a member of, the alliance (Page 250). Scotland:
- is close to the Arctic channels of the High North, with the Atlantic Ocean to its west;
- will be a key partner in NATO's air and naval policing of northern Europe; and
- has a range of training areas and facilities that are actively used by NATO members.
- An independent Scotland's maritime capabilities, including maritime patrol and specialist forces, would protect Scotland's interests and contribute to NATO's regional security arrangements (Page 250).
- This Scottish Government's opposition to basing of nuclear weapons in Scotland is entirely consistent with the alliance's aim to "create the conditions for a world without nuclear weapons" (Page 464). **Only 3 NATO members are nuclear-weapon states, and 20 of the 28 member states neither possess nor host nuclear weapons** (Page 464)
- As a NATO member, Scotland would support collective defence operations under Article 5 of the North Atlantic Treaty. But it is for each member state to decide what role they take in any military operation, including those invoked under Article 5 (Pages 251 and 465).
- Nuclear-weapon states do not normally confirm the presence of nuclear weapons on their vessels. An independent Scotland will adopt a similar approach to Denmark and Norway, who allow NATO vessels to enter their ports without confirming or denying the presence of nuclear weapons, but who expect any visiting vessel to respect their position as advocates for nuclear disarmament (Page 464-465).
- Nuclear weapons have been imposed on Scotland for almost half a century, despite majority public and civic opposition, and this Government has been clear in its long-standing aim to secure their removal from Scotland in the safest and swiftest manner achievable (Pages 247 and 475).
- Following independence, Scotland will be able to play its full role working with the international community in supporting the pursuit of nuclear disarmament. An independent Scotland would add its name to the Treaty on the Non-proliferation of Nuclear Weapons, and would take forward its obligations to support the conditions for a world without nuclear weapons (Pages 474-475).

*'Of course we accept the [NATO] rule book; of course we would have to work within the strategic concept, but NATO is pledged to work towards nuclear disarmament.'*- Angus Robertson MP, Sunday Politics, 14 April 2013

John Dyrby Paulsen, defence spokesman for Denmark's ruling Social Democrats and chairman of the NATO Parliamentary Assembly's transatlantic relations committee, **'From my point of view you would be invited to be a part of [NATO]**

**and you would have to say “no” if you didn’t want it, rather than say “yes” to get in.** Paulsen also said Trident would not be an issue for membership: *“It would have absolutely no impact whether you have nuclear weapons or not. It doesn’t matter.”* (Press and Journal, 1 October 2013, p.10)

*‘NATO’s Strategic Concept states that the alliance is “resolved to seek a safer world and to create the conditions for a world without nuclear weapons” – an aim that the current Scottish Government shares.’ - Scotland’s Future, Q. 281, Page 464*

*‘Following a vote for independence in 2014, Scotland will notify NATO of its intention to become a member of the alliance in order to begin negotiations for Scotland’s transition to becoming an independent member of the alliance. It will be for NATO to confirm the detailed arrangements and timetable for Scotland’s transition towards membership as an independent country.’ - Scotland’s Future, Q.286, Page 466*

### **Will Scotland be a member of NATO?**

[REDACTED]

### **Will Scotland have its own army, navy and air force?**

Yes. Scotland will have its own military forces - army, navy and air force. We are committed to an independent Scotland also sharing capability with other countries through membership of NATO and other defence co-operation agreements.

If you did want to make sure that both topics from your earlier briefing pack are covered, then the following from Scotland’s Future on discussions with NATO replaces the lines below:

### **Have there been discussions with NATO about Scotland's membership?**

Yes. The Scottish Government has opened contact with NATO regarding an independent Scotland's membership of the organisation.

## Multilaterals and other country donors spend in Malawi

### Aid Provision to Malawi

#### 1. Summary Table

NB: All annual spends have been converted to Pounds Sterling (£), according to the historical exchange rates as of the dates of reports from each country.

Country / Aid Provider	Annual Spend (£)	Staff In-Country	Aid per donor country in-country employee (£)
DfID	115,000,000 (2012)	40 (as of 2009)	2,875,000
USAID	108,345,870 (2011)	Not available	Not available
EU	73,143,180 <sup>1</sup> (2013)	50 (as of 2008 <sup>2</sup> )	1,462,863.60
NORAD	44,284,746 (2012)	20 <sup>3</sup>	2,214,237.30
Japan (JICA)	17,999,577 (2011)	95 <sup>4</sup>	189,469.23
Germany (GIZ; BNZ)	17,287,650 <sup>5</sup> (2012)	103 <sup>6</sup>	167,841.26
Irish Aid	10,541,700 (2012)	2	5,270,850
AusAID	9,009,000 (2013)	- <sup>7</sup>	-
FICA	8,722,671.77 (2012)	2	4,361,335.86
France	7,596,547.94 (2012)	Not available	Not available
Scottish Government	6,506,980.30 (2013-14)	0	-

<sup>1</sup> There are three aid figures available for EU aid to Malawi:

- the figure included in the table above has been converted to £ from the figure available on the European Delegation to Malawi's website:  
([http://eeas.europa.eu/delegations/malawi/documents/about\\_us/eu\\_delegation\\_malawi\\_en.pdf](http://eeas.europa.eu/delegations/malawi/documents/about_us/eu_delegation_malawi_en.pdf))
- an alternative figure is available on the European Commission's website:  
([http://ec.europa.eu/europeaid/where/acp/country-cooperation/malawi/malawi\\_en.htm](http://ec.europa.eu/europeaid/where/acp/country-cooperation/malawi/malawi_en.htm))
- a final alternative figure is available from the total aid provision for all EU projects as detailed in work previously conducted by SG (see attached).

<sup>2</sup> Includes Malawian employees

<sup>3</sup> Diplomatic staff (8) and project staff (11)

<sup>4</sup> Total figure of staff *and* volunteers as Malawi is a country under JICA's Volunteer Programme.

<sup>5</sup> An alternative figure regarding Germany's total aid for 2012 is available on news websites; reports say that in total Germany awarded €53,000,000 to Malawi (see section 2.8 on Germany below for further details).

<sup>6</sup> Query re: large number of staff in country.

(Quoted from: <http://www.giz.de/en/worldwide/341.html>)

<sup>7</sup> AUSAID staff seem to work from the DfID Office in Malawi as necessary, or work from the Australian Embassy in Zimbabwe

## **2. Corresponding Notes – Individual Countries / Aid Providers**

### **2.1 DfID**

#### Financial Aid

- £93,000,000 to £115,000,000 annual spend.
- An average of £93 million spent by DfID in Malawi every year, and is planned to be spent, until 2015.
- NB: In November 2012, the UK Government announced that it would be spending £115 million in Malawi for that financial year due to the provision of additional emergency aid.  
(See Press Release: <http://www.dfid.gov.uk/News/Latest-news/2012/Malawi-emergency-aid-to-protect-poorest-people/>)

#### Staffing

- 40 staff work for DfID in Malawi (2009 figure).
- In 2009 it was published that they had cut their staff numbers from over 100 to 40.  
(See Publication: [http://www.nao.org.uk/publications/0809/aid\\_to\\_malawi.aspx](http://www.nao.org.uk/publications/0809/aid_to_malawi.aspx))
- NB: In DfID's Malawi Operational Plan for 2011-2015 they claim that their staff/programme ratio is low when compared to other big donors.

#### Office

- The DFID Malawi Office is in the British High Commission.
- Address: DFID Malawi, British High Commission, Off Convention Road, PO Box 30042, Lilongwe 3
- Tel No: +265 (0) 1 772 400

#### Additional information

- DfID is one of Malawi's largest donors (17% of total aid from 2007-2012).
- DfID's Operational Plan in Malawi for 2011-2015 is available at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/209472/Malawi1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209472/Malawi1.pdf)
- DfID's Annual Report and Accounts for 2012-2013 is available at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/208445/annual-report-accounts2013-13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/208445/annual-report-accounts2013-13.pdf)

## **2.2 USAID**

#### Financial Aid

- \$172,000,000 was spent by USAID in Malawi in 2011.  
(Source: <http://www.usaid.gov/news-information/speeches/remarks-ambassador-jeanine-jackson-usaid-development-cooperation-malawi>)
- Equivalent of £108,345,870 annual spend.
- The US Government's official bilateral assistance total figure is larger than this, but the figure above represents the total amount of aid disbursed. This figure does not include donations to multilateral institutions, such as the Global Fund and UN organisations who conduct other work in Malawi.
- See Report at: <http://www.usaid.gov/sites/default/files/documents/1860/malawi-cdcs-2013-2108.pdf>

#### Staffing

- Unable to find accurate or up to date staffing information for USAID workers in Malawi.

### Office

- It appears as though the USAID Office in Malawi is a Department in the US Embassy in Lilongwe.
- Address: Embassy of the United States of America, PO Box 30016, 16 Jomo Kenyatta Road, Lilongwe 3, Malawi
- Tel No: +265 (0) 1 773 166

## **2.3 EU**

### Financial Aid

- €451,000,000 was allocated by the EU to Malawi under the 10<sup>th</sup> EDF (European Development Fund) for 2008-2013.  
([http://eeas.europa.eu/delegations/malawi/documents/about\\_us/eu\\_delegation\\_malawi\\_en.pdf](http://eeas.europa.eu/delegations/malawi/documents/about_us/eu_delegation_malawi_en.pdf))
- This results in an average annual spend in Malawi for this period of €90,200,000.
- Equivalent of £73,143,180 annual spend.
- The alternative figures available regarding EU Financial Aid to Malawi were listed in the footnotes for the summary table above (section 1).  
Alternative b) on the European Commission website claims that the EU is allocating €605,490,000 to Malawi for the 10<sup>th</sup> EDF 2008-2013.  
([http://ec.europa.eu/europeaid/where/acp/country-cooperation/malawi/malawi\\_en.htm](http://ec.europa.eu/europeaid/where/acp/country-cooperation/malawi/malawi_en.htm))  
Alternative c) is attached.

### Staffing

- The Delegation of the European Union to the Republic of Malawi has an office in Lilongwe and currently employs 50 people (mostly Malawian employees).  
([http://eeas.europa.eu/delegations/malawi/documents/about\\_us/eu\\_delegation\\_malawi\\_en.pdf](http://eeas.europa.eu/delegations/malawi/documents/about_us/eu_delegation_malawi_en.pdf))

### Office

- Address: Office of the Delegation of the European Union to Malawi, PO Box 30102, Capital City, Lilongwe 3
- Physical Address: Area 18 Roundabout, Presidential Way/Corner M1
- Tel No: +265 (0) 1 773 199

### Additional Information

- The EU is maintaining budget support to Malawi at €25,000,000 to €30,000,000 per year.
- Data on State Aid for EC Member States:  
[http://ec.europa.eu/competition/state\\_aid/studies\\_reports/expenditure.html](http://ec.europa.eu/competition/state_aid/studies_reports/expenditure.html)
- Information regarding the EU delegation to Malawi is available at the web link below. It details that the EU provides €300,000,000 to Malawi annually (including Member States contributions).  
[http://eeas.europa.eu/delegations/malawi/about\\_us/welcome/index\\_en.htm](http://eeas.europa.eu/delegations/malawi/about_us/welcome/index_en.htm)
- NB: EU partners = GoM; Germany; Ireland; France; UK; UN; IMF; World Bank; African Development Bank.

## **2.4 NORAD (Norwegian Agency for Development)**

### Financial Aid

- NOK 403,800,000 of bilateral assistance was awarded to Malawi in 2012.
- NB: No budget support has been awarded over 2011 and 2012 (despite NOK 70 million being allocated). This was re-distributed to agricultural work. (Source: <http://www.norad.no/en/countries/africa/malawi>)
- Equivalent of £44,284,746 annual spend.

### Staffing

- Currently, there are 8 diplomatic staff working at the Norwegian Embassy in Malawi (this includes secretaries responsible for: Consular Affairs; Health; Country Economist; Agriculture and Environment).
- There are 11 staff working in the Embassy on NORAD projects and programmes in Malawi. (<http://www.norway.mw/Embassy/Embassy-Information/Staff/>)
- Including diplomatic staff, this totals 20 staff.

### Office

- NORAD staff in Malawi work out of the Norwegian Embassy.
- Address: Royal Norwegian Embassy in Lilongwe, Arwa House, City Centre, Private Bag B323, Lilongwe 3
- Tel No: +265 (0) 1 772 845

## **2.5 Japan (JICA)**

### Financial Aid

- JICA have been working in Malawi for 42 years, and 1500 staff and volunteers have worked in Malawi during this time. Malawi is one of the countries under JICA's Volunteer Programme. (<http://www.jica.go.jp/malawi/english/index.html>; <http://www.jica.go.jp/malawi/english/office/others/pdf/report2011.pdf>)
- JICA spent the equivalent of US\$28.53 million in 2011.
- (<http://www.jica.go.jp/malawi/english/activities/c8h0vm00004bpzlh-att/statistics.pdf>)
- Equivalent of £17,999,577 annual spend.

### Office

- JICA have a dedicated office in Malawi. (<http://www.jica.go.jp/malawi/english/index.html>)
- Address: JICA Malawi Office, PO Box 30321, Capital City, Lilongwe 3, Malawi
- Physical Address: JICA Malawi Office, Pacific House, Area 13, Plot No.100, City Centre, Lilongwe 3

### Staffing

- JICA claim to have 95 staff and volunteers working in Malawi (2011). (<http://www.jica.go.jp/malawi/english/office/about/message.html>; <http://www.jica.go.jp/malawi/english/office/others/pdf/report2011.pdf>)
- NB: Malawi is one of the countries under JICA's Volunteer Programme.
- The Chief Resident Representative in Malawi for JICA is currency Katsuro Saito. (<http://www.jica.go.jp/malawi/english/office/about/message.html>)

## **2.6 Germany**

### Financial Aid

- GIZ has been working in Malawi on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) for more than 30 years. Malawi is a priority country for German international cooperation.
- Germany allocated at least €20,500,000 to Malawi last year for financial and technical development cooperation.  
([http://www.bmz.de/en/what\\_we\\_do/countries\\_regions/subsahara/malawi/index.html](http://www.bmz.de/en/what_we_do/countries_regions/subsahara/malawi/index.html))
- However, reports say that in total Germany awarded €53,000,000 to Malawi last year for development via alternative means, yet some of this was frozen at the end of the year. Germany is yet to reinstate budgetary support, which was cancelled in 2011 when they had planned to award over €24,000,000 (equivalent of £20,607,218.82).

### Staffing

- GIZ has been working in Malawi on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) for more than 30 years.
- Germany have 20 seconded staff, 52 local staff, 22 development workers and 9 integrated experts in Malawi at their Lilongwe office. This is a total of 103. As noted in footnote 5 for Summary Table (section 1) – query re: large number of staff in-country.  
Quoted from: <http://www.giz.de/en/worldwide/341.html>.

### Office

- GIZ have had an office in Lilongwe, Malawi since 1998.
- Address: GIZ Office Malawi, Area 10/319 Mtendere Drive, Lilongwe 3
- Tel: +265 (0) 1 794 893

## **2.7 AusAID**

### Financial Aid

- \$14 million was awarded (at least) for Malawi's National Water Development Programme in 2013. It was anticipated that this figure may be increased later depending on the success and growth of the project.  
(<http://reliefweb.int/report/malawi/ausaid-supports-water-and-sanitation-project-malawi>)
- It appears that this is their only current programme in Malawi.
- Equivalent of £9,009,000 annual spend (for Malawi).

### Staffing

- See below.

### Additional Information

- AusAID is spending \$355.1 million in Sub-Saharan Africa over 2013-2014.
- It appears as though AusAID work within the DfID office, if necessary, for the National Water Development Programme.
- The Australian Embassy in Zimbabwe is responsible for Malawi. The Embassy in Zimbabwe also includes an AusAID office.
- NB: There is an Australian Consulate Office in Lilongwe, Malawi.

## **2.8 Irish Aid**

### Financial Aid

- Irish Aid gave €13 million to Malawi in 2012. They planned to award €15 million in 2013, and plan to award €19 million in 2014. (<http://www.dci.gov.ie/media/irishaid/allwebsitemedia/20newsandpublications/publicationpdfsenglish/irish-aid-malawi-csp-2010-2014.pdf>)
- Equivalent of £10,541,700 annual spend.

### Staffing

- 2 staff work at the Irish Embassy, Lilongwe, in addition to the Ambassador, Liz Higgins.
- Adrian Fitzgerald is the Head of Development and [REDACTED] is the Second Secretary. In addition, the Embassy team includes locally recruited colleagues who are also engaged in supporting the Irish Aid programme and the Embassy in Malawi. (<http://foreignaffairs.gov.ie/home/index.aspx?id=81926>)

### Office

- Irish Aid's staff work out of the Irish Embassy in Lilongwe.
- Address: Embassy of Ireland, 3<sup>rd</sup> Floor, Arwa House, Private Bag B490, Capital City, Lilongwe 3
- Tel: +265 (0) 1 776 408

### Additional Information

- Irish Aid's current projects have three main outcomes that are envisaged for the end of the Country Strategy 2010-2014. These three main outcomes are: 1) increased food productivity and crop diversification adapted to climate change; 2) improved nutrition and social supports to enhance the resilience of households; 3) improved governance and service delivery with a focus on household food security and resilience.
- Further information is available in their Country Strategy Paper (see attached).
- Irish Aid does not give any budget support to Malawi. (<http://www.irishaid.gov.ie/media/irishaid/allwebsitemedia/20newsandpublications/publicationpdfsenglish/2011-irish-aid-annual-report.pdf>)

## **2.9 France**

### Financial Aid

- There is little information available online regarding financial aid provided by France to Malawi. However, there are news reports of a Framework Agreement for the Debt Relief and Development Contract between the two countries that was signed in November 2012 when France cancelled Malawi's remaining debt. These reports suggest that France will grant MK4.3 billion – MK4.5 billion to Malawi. (<http://www.nyasatimes.com/2012/11/28/donor-support-to-stabilize-malawis-economy-lipenga/>;  
<http://www.faceofmalawi.com/2012/11/france-cancels-malawis-e11-million-debt/>)
- Equivalent of £7,596,547.94 annual spend (yet it is not clear whether the amount awarded is for a year or a period of years).

### Staffing

- As the above award has only been announced recently, and is only available on news agency websites, there are no clear staffing figures for France's development work in Malawi.

## **2.10 FICA (Flanders International Cooperation Agency)**

### **Financial Aid**

- No detailed figures for Malawi, but operations in the 'South' (which consists of South Africa, Mozambique and Malawi) take a majority of FICA's budget. The Flemish budget is €31,104,151 and €22,886,763 is spent in the 'South'. (<http://vais.be/en/printpdf/book/export/html/10084>)
- 47% of this total spent in the 'South' is spent in Malawi.
- Therefore FICA spend €10,756,778.61 in Malawi, which is equivalent to £8,722,671.77

### **Staffing**

- FICA have a country office in Malawi with 2 staff (a country representative along with an assistance). (<http://vais.be/en/printpdf/book/export/html/2912.3263.3361>)

### **Office**

- See above: FICA have a small country office in Malawi with 2 staff (a country representative along with an assistance). (<http://vais.be/en/printpdf/book/export/html/2912.3263.3361>)
- The FICA representative in Malawi is [REDACTED] (email: [REDACTED] [@ficamw.com](mailto:[REDACTED]@ficamw.com); Tel No: [REDACTED]).
- The FICA employee in Malawi is [REDACTED] (email: [REDACTED]; Tel No: [REDACTED]).
- Address: [REDACTED].

### **Additional Information**

- FICA's main projects in Malawi focus on: agriculture and food security, and healthcare.
  - 1) Agriculture and food security:
    - FICA support the Food and Agriculture Organisation's (FAO) food security programme and are involved in the development of national policy, and achieving results in selected districts, Kasungu and Mzimba specifically.
    - FICA also support the sub-sectors of coffee and dairy within the agricultural sector.
  - 2) Healthcare:
    - FICA supports the GoM's healthcare plan and assists in the sub-sector of sexual and reproductive health, aiming to reduce maternal mortality and combating HIV/AIDS.
    - They have also funded the Belgian Red Cross Flanders Project, WaSH programmes with UNICEF and Viva Africa's DREAM Project which is focused on HIV/AIDS.
- Furthermore, FICA work on a local level on projects focused on agriculture and food security, programmes relating to climate change, healthcare projects (WHO projects), and sustainable trade and entrepreneurship.
- FICA does not award general budget support to Malawi, but through its healthcare programmes does provide sectoral budget support.
- Further information on FICA's programmes, including their Annual Report is available at: <http://www.vais.be/en/report/annual-report-2012>

## **2.11 Scottish Government**

<b>SG Spend in Malawi</b>	<b>2013-14 Spend (£)</b>
Malawi Development Programme 2012-2015 Project Payments (2013-14 only)	1,860,187.00
Malawi Development Programme 2013-2016 Project Payments (2013-14 only)	3,175,113.00
MREAP Project	673,972.00
Climate Justice Fund (Malawi Projects) <sup>1</sup>	649,348.33
National Museums Scotland	67,360.00
Historic Scotland	50,000.00
Health & Energy Project: Fistula Hospital	31,000.00
<b>TOTAL</b>	<b>6,506,980.30</b>

<sup>1</sup> This figure is based on the total expenditure on Malawi Climate Justice projects, divided by their three financial years.

NB: The David Livingstone Bicentenary Scholarship Programme have not been included in the above table but will be an additional programme that is running in Malawi from 2014. The total awarded for the Scholarships will be £100,000. Additionally, next year (2014-15) £125,000 will be spent on the continuing Historic Scotland project.

## **3. UN in Malawi**

### Financial Aid

- For details on the UN's work in Malawi see: [http://www.unmalawi.org/un\\_mal\\_country\\_team.html](http://www.unmalawi.org/un_mal_country_team.html)
- [The total expenditure noted in UN Malawi's 2012 Report on their projects is USD \\$46,238,264. An alternative figure is available on the United Nations Development Group website, which notes that the total expenditure in Malawi in 2012 was USD \\$50,897,378.](#)  
[See sources:](#)  
<http://www.unmalawi.org/reports/One%20Plan%20Annual%20Report%202011.pdf>;  
<http://mptf.undp.org/factsheet/fund/MW100>
- [Therefore, the UN's expenditure in Malawi in 2012 was approximately between £28,000,000 and £30,900,000.](#)
- [Please note, however, that this does not include all expenditure from UN agencies, such as UNICEF, as accurate figures are unavailable.](#)
- [Furthermore, please note that DfID awarded £377 million to the United Nations as part of its multilateral assistance programme from 2011-2012.](#)

**ATTENDEES AND BIOGRAPHIES**  
**(BHC to provide)**

**ANNEX B**

[FREEDOM OF INFORMATION NOTE – THE FOLLOWING INFORMATION REPRESENTS AN EXTRACT FROM A GENERAL BRIEFING DOCUMENT FROM 2014. WHILE MOST OF THE INFORMATION IN THE DOCUMENT IS OUTWITH THE SCOPE OF YOUR REQUEST, THE EXTRA INCLUDES INFORMATION RELATING TO TUITION FEES AND UNIVERSITIES, AS SPECIFIED IN YOUR REQUEST.]

### HIGHER EDUCATION RESEARCH IN AN INDEPENDENT SCOTLAND

- A strong research base is at the heart of this Government's ambitions
- Research excellence is underpinned by extensive collaboration
- Clearly in interests of both Scotland and the rest of the UK to maintain a common research area
- Will seek to do this while continuing to extend our global reach
- We will ensure that levels of public investment in university research enable our researchers and universities to remain internationally competitive
- Independence will allow us to better support a vibrant and flourishing research base

#### Scotland's Universities punch above their weight (White Paper page 188)

- Scotland has 5 universities in the world top 200 – more per head of population than any other country. (Source: SG analysis based on the Times Higher Education (THE) World University Rankings 2013-14)
- In 2012-13, Scottish Universities secured 13.1% of the £1.9 billion of Research Council spending on grants, studentships and fellowships while overall Scotland secured 10.7% of the £2.9 billion of total Research Council spending in 2012-13 (Source: figures received from RCUK September 2013)  
In 2011, Scotland's Higher Education R&D expenditure as a percentage of GDP ranked top of the twelve countries and regions of the UK. Scotland was third in the OECD (Source: Gross Expenditure on Research and Development 2011, ONS)

#### We have demonstrated our commitment to research (White Paper page 200)

- In 2013-14 we will be investing, through SFC, £364m for Research and Knowledge Exchange activities: a 38% increase since 2007 (£100m in cash terms).
- This £364m includes **£242m** core funding for research (an increase of £19m from 2012-13) and **£13.8m** to support global excellence and the international standing of our universities.
- And we have supported novel ideas such as the internationalisation of research pools and development of innovation centres (investing, via SFC, **£124m over six years** in a network of Innovation Centres)

#### We will continue to collaborate with the UK (White Paper page 201)

- The best research operates across boundaries be they disciplinary, institutional or nation state
- We will seek to maintain a common research area with the rest of the UK including shared research councils, access to facilities and peer review to the benefit of both Scotland and the rest of the UK
- We support the Haldane Principle whereby decisions around what research to fund are made by researchers not politicians

**QUOTE:** Prof Pete Downes, Universities Scotland Convenor and Principal of Dundee University, 11/11/13 said: "This collaborative eco-system **transcends all borders** and strengthens the quality of research and development. **It is in everyone's interests** that this important and vigorous cross-border collaboration is supported to continue, whatever the result of the constitutional referendum." Source: [www.universities-scotland.ac.uk](http://www.universities-scotland.ac.uk)

**QUOTE** Following publication of the Referendum White Paper, a spokesperson for Universities Scotland said, 26 November 2013: "We welcome the paper's recognition of the importance of supporting Scottish research excellence and supporting Scottish universities' participation in wider collaborative networks. Whatever the result of the constitutional referendum, we look forward to policies being put in place which support the cross-border research ecosystem to which Scotland makes a fundamental contribution."

### **There is no evidence to suggest that we cannot maintain a common research area**

- **Consistent with approach since devolution** e.g. Chief Scientist's Office within SG contributes to a number of National Institute of Health Research (NIHR) funding streams so that Scottish priorities are taken into account in development of programmes and researchers in Scotland are eligible to apply for funding
- **Research Councils already collaborate internationally** e.g. on 8<sup>th</sup> Nov – three days before UK Government's paper on research was published – two UK Research Councils signed an agreement with the Swiss for access to their research funding
- The agreement – between the Swiss National Science Foundation, the UK Arts and Humanities Research Council and the UK Economic and Social Research Council – states at para 7: "the parties agree to reciprocally open their nation research project funding schemes to collaborative proposals involving researchers from the other country"
  - Referring to this, Paul Boyle, Chief Executive of Economic and Social Research Council said, 11 Nov 13: "Addressing the major global societal challenges requires collaboration across disciplines and national boundaries"... "I hope this will be the first of several with other sister agencies internationally."

### **And universities recognise this:**

**QUOTE** Prof Tim O'Shea, Principal of Edinburgh University, *The Times*, 13<sup>th</sup> April 2013 "there is no reason why any form of constitutional change should preclude participation in higher order research councils"

**QUOTE** Professor Ian Diamond, Principal of Aberdeen University, *Sunday Times*, 1<sup>st</sup> September 2013 referring to UK research funding. "I can't see it's in the interests of anyone in the rest of the UK to want to exclude Scotland, nor is it in the interest of Scotland to be excluded from collaboration"

### **There is no genuine 'funding gap'**

- GERS shows that Scotland is currently in a stronger fiscal position than the UK as a whole, with a proportionately smaller shortfall between public spending and tax revenue.
- Scotland currently contributes financially to the Research Councils through its share of UK tax receipts, equivalent to £294 million in 2011/12 [based on 9.9% share of tax receipts that year]. Figures from RCUK indicate that in 2011/12 Scotland received £298m in Research Council funding.
- With independence we can decide how much money to invest in research: we will negotiate with the UK Government a fair funding formula for Scotland's contribution to the RCs based on population share but taking reasonable account of the fact that the amount of research funding received by Scottish institutions from the Research Councils may reflect higher or lower levels of funding (p 203).
- We will ensure that levels of public investment in university research enable our universities and researchers to remain internationally competitive with current levels of government

investment in university research (through SFC and the Research Councils) at least maintained (p 204).

#### **Global collaboration is part of what we do (White Paper pages 201 to 202)**

- Since 2007, Scotland's HEIs and research institutes have secured €505 million from the EU's Framework Programme 7, equating to 9.7% of the UK total
- International research centres have been attracted to Scotland e.g. the Fraunhofer Institute for Applied Photonics – the first Fraunhofer Institute to be located in the UK; the European Lead Factory for the Innovative Medicines Initiative
- Scottish universities are already major players on the world stage – one fifth of our students (HESA) and over a quarter of academic staff are from outwith the UK (*Source: Higher Education and the Question of Independence, Lindsay Paterson, October 2013*)
- And they are increasingly collaborating together and with others to take a **team Scotland approach** – e.g. recent trade missions to Hong Kong and Indonesia

#### **Independence enables us to better support a flourishing research base (White paper pages 202 to 204)**

- Independence will give future Scottish Governments a full range of levers to incentivise innovation and research investment
- With independence Scotland will be in a stronger position to promote Scotland overseas with a **dedicated diplomatic and trade network**.
- And it will allow us to have an immigration policy that welcomes international researchers and students removing the damage being done to the university sector by the current UK visa restrictions

**QUOTE** Scottish Council for Development and Industry (SCDI), Evidence to the Education Committee on 2 October 2012 [tightening of student visas] **“is a huge challenge to universities socially and financially and to Scotland economically”**

**QUOTE** Peter Downes, Principal and vice-chancellor of Dundee University – Holyrood Higher Education Conference 2012 **“As I scan the policy horizon, it's hard to see a bigger risk, or a more poisonous gun pointed at our collective success.”** – referring to policy on student visas

**Research paper:** We will be setting out further details of the background to the propositions for research set out in Scotland's Future and underpinning evidence in the coming weeks.

## TUITION FEES

### TOP LINES:

- Access to higher education based on the ability to learn, not the ability to pay
- The UK Government has chosen to allow institutions to charge students in England fees of up to £9K a year
- Faced with this marketization of higher education south of the border we had to take action to ensure Scottish students remained able to access higher education opportunities
- We will continue the current policy of free education for Scottish students in an independent Scotland
- We believe that the unique circumstances of an independent Scotland will enable us to continue to allow Scottish institutions to charge students from the rest of the UK in a way which is compatible with EU requirements

### It is the imposition of fees in England that has created an issue - this is the fairest solution

- Unchecked the UK Govt decision to impose tuition fees south of the border creates a big financial incentive for students from the rUK to study in Scotland (page 198)
- Continuing our current policy of enabling Scottish HEIs to charge rUK students fees is necessary to ensure Scottish students remain able to access higher education opportunities (page 199)
- We have taken action to ensure Scotland's universities can charge rUK students no more than the maximum annual fee they could be charged to study elsewhere in the UK (page 199)
- If the UK Government change their funding policy and return to a system based on the ability to learn not the ability to pay we will review charging arrangements (page 200)
- Our policy has not deterred students from rUK applying to study at our world class universities. In 2012-13, the first year of the new arrangements, 4,800 students from the rest of the UK were accepted into Scottish Universities, an increase of 180 students (4%) on the previous academic year (UCAS, 18 January. 2013) (page 199)

### We believe that we will be able to continue this policy in a way which is compatible with EU requirements

- We believe that, the unique and distinct circumstances of an independent Scotland will enable us to objectively justify continuation of our current policy in a way which is compatible with EU requirements
- Our objective justification is not about nationality, it's about the unique and exceptional position of Scotland and the consequences of a tuition fee policy implemented by Westminster.
- These unique circumstances include: relative size, fee differential, shared land border and common language, qualification structure, and the quality of our university sector (page 199)
- We will continue to support access to Higher Education for students from elsewhere in the EU in accordance with our support for student mobility and the principles of free movement across the EU as a whole. (page 200)
- [REDACTED]
- Despite the points of detail on which we differ, in response to the publication of the White Paper on Tuesday, Universities Scotland said: *"It is important to universities that arrangements are in place which support the cross-border mobility of students in sustainable numbers. We welcome the Scottish Government's view that arrangements could be developed to manage this, which builds on legal advice we received earlier this year".*

### Higher education in Scotland is thriving

- [REDACTED]

### We've demonstrated our commitment to free education and supporting students

- We reintroduced free education saving over 120,000 students studying in Scotland up to £27,000 compared with the cost of studying for a degree in England.
- NUS Scotland have described our package of student support as "the best support package in the whole of the UK" [NUS press release; 22 August 2012]
- The poorest students will have a minimum income of £7,250 a year from academic year 2013-14 (rising to £7,500 in 2014-15)

- We are also providing tuition fee funding for part-time students with an income under £25,000 a year for the first time from academic year 2013-14
- And from 2015-16 students on eligible postgraduate taught courses will be able to apply for a maintenance loan of up to £4,500.

#### **Student debt levels are around a third of England's**

- Student Loan Company figures published in 2013 show that average student loan debt for Scottish students is £6,850 compared to £18,740 in England and £14,910 in Wales.
- This is before tuition fees of £27,000 were introduced for English students

#### **We have increased University funding; it has been slashed in England**

- We have allocated £1.042 billion to Scottish universities in the Budget for 2013-14, a rise of 4.0% from the planned budget in 2012-13. This will increase again (by 1.8%) to £1.061 billion in 2014-15 with the budget maintained at this level in 2015-16.
- We will have increased funding to universities by 15% (£135m) over the SR11 period (planned budget 2011-12 to planned budget 2014-15). In contrast, the UK Govt is significantly cutting its funding to England's universities over the same period and transferring the cost to students.
- The cut to uni funding in England hits Scotland budget via the Barnett formula. Only independence stop this happening.

Tim O'Shea, Principal of Edinburgh University, speaking in the Times on 13 April 2013:  
 "we are in a higher education system which is booming. It doesn't matter how you measure it. Do we have a good participation rate of students? Yes. Does our research team have impact? Massively - right at the top, better than England."

#### **Fees for attending universities in England are the highest in Europe**

- Like Scotland, many European countries choose not to burden students with tuition fee debt. These include Austria, Sweden and Finland (Eurydice figures for 2013-14)
- Other European countries have found alternatives to fees. Indeed the largest European country – Germany - has moved in the opposite direction to England. After enabling *Länder* to introduce tuition fees in 2007, those *Länder* that did introduce fees have since abandoned them. Only Lower Saxony still maintains fees but plans to abolish them from next academic year.

#### **And tuition fees in England may yet rise further**

**QUOTE:** *Sir Christopher Snowden, vice-chancellor of the University of Surrey and president of Universities UK, says a £9,000 fee cap is "not sustainable". "The whole issue is that fees can't remain frozen for ever" (Times Higher 31<sup>st</sup> October 2013).*

#### **We have maintained places for Scottish students and will continue to do so**

- There have been fears that students from England would flood Scottish universities since 1999 when English universities first introduced tuition fees, in 2003 when they increased them to £3,000, and in 2012 when they increased them to £9,000 per annum.
- We have taken decisive action to avoid this and to maintain the balance of new students from within and outwith Scotland.
- The percentage of new undergraduate HE entrants from the rest of the UK has remained broadly static at between 5% and 6% from 2000-01 to 2011-12 (SFC, 22 March 2013).
- Indeed, the number of acceptances so far to Scottish universities of students from the rest of the UK for 2013/14 was up 9% to 5,310 (UCAS, 24 September 2013)

## Consultation Narratives

### QUESTION 1

#### **011 – Edinburgh University Students Association**

The proposal to set a maximum fee level of £9000 goes way beyond what would be needed to protect Scottish students from an influx of RUK students. There is no doubt that the UK Government's decisions to increase tuition fees in England will have a direct impact on higher education in Scotland and EUSA recognises that there is a need for the Scottish Government and institutions in Scotland to respond to this. However, the response should be rational, fair and must not damage efforts to improve widening participation

#### **014 – [REDACTED]**

Tuition fee policy in England, Wales & NI is not relevant to Scotland

#### **020 – Heriot Watt University Student Union**

Although we agree that the Scottish Government needs to respond to the changes in tuition fees policy which has taken place elsewhere in the UK, we believe that the proposals do not reflect a fair funding system for RUK students.

#### **022 – Glasgow University Students Representative Council**

Whilst we believe that in principle tuition fees are wrong, we appreciate the Scottish Government's need to react to tuition fee policy changes in the rest of the UK. At present however any arguments made for or against the proposed changes for RUK students are based solely on conjecture and we believe it would be a huge gamble to implement changes to the RUK fee policy from an uninformed position.

We are therefore calling for the Scottish Government to implement a moratorium on any planned tuition fee policy changes until 2013-2014 at the earliest. A moratorium would provide time to enable a full and informed assessment of the impact the changes in the rest of the UK have on applications to Scottish Universities from 2012-2013.

Alternatively if this was not felt to be a viable option we would suggest that any fee increase be set at an upper limit of £6750 per year. This would bring a normal 4 year degree at a Scottish University in line with the cost of the equivalent 3 year degree in the rest of the UK at £27,000

#### **031 - UCU**

Yes. We must ensure that Scottish students do not lose out due to other UK students taking places for purely financial reasons. In our response to the Scottish Government consultation, *Building a Smarter Future: Towards a Sustainable Scottish Solution for the Future of Higher Education* we stated:

*While UCU is opposed to use of fees we do agree that something has to be put in place that dissuades English students coming to Scotland for purely financial reasons while not putting off other UK students. However, any system put in place should be cost neutral for institutions. Any funding gained should be invested in student support. **We support putting in place a system to limit cross border flow but believe that such measures should not be income generating for institutions.***

It is hard to see how the Scottish Government can take these statements and then boldly assert that the *proposals strike the right balance between the points of view expressed by UCU* when the plans are clearly not cost neutral.

### **034 – STUC**

The STUC has a policy of free education for all and would like to see this policy being applied equally to all students across the UK. However, we realise that the rise in tuition fees that the Westminster Government is introducing in England is beyond the control of the Scottish Government, and commend the Scottish Government for continuing to pursue a policy of free education for all Scottish domiciled students.

We recognise that the introduction of a higher level of tuition fees in England could potentially have an effect on the number of English students coming to study in Scotland if the fee rates that these students pay in Scotland is not adjusted accordingly. We believe that the Scottish higher education system must be run in such a way that students in Scotland have every opportunity to enter the best courses in Scottish universities. The position of Scottish students might be harmed, however, if the market was 'flooded' by English students simply looking for the cheaper option. We recognise that this would not be the best option for the higher education system in Scotland and may place additional pressure on the Scottish Government's budget which should primarily go to providing education for Scottish domiciled students.

Ultimately we recognise that £9000 per year tuition fees is neither the policy of the Scottish Government nor the shared vision for education that exists in Scotland. While we understand that there must be some degree of pragmatism when approaching how the system works for RUK students, we also believe that Scotland should aim to provide as close to its vision of education for all students in the UK. We therefore believe that Scotland should aim to have a neutral fee policy in accordance with fee rates in other parts of the UK, as has been the case in the past.

### **040 – BMA Scotland**

We strongly opposed the decision in England to allow universities to charge up to £9,000 a year tuition fees. Our estimates show that those entering medicine in England from 2012- 2013 could leave medical school with at least £70,000 worth of debt; placing a huge burden on the graduate. Medical students will be among the hardest hit by the sharp rise in fees due to the longer course. The proposal to deregulate fees for RUK students and allow universities in Scotland to charge up to £9,000 a year tuition fees will have the same affect of placing substantial financial barriers in front of the next generation of students from low and middle income families.

However, we acknowledge the difficulties that may otherwise be caused by changes to cross border student flows arising from any increase in the fees in the rest of the UK if the Scottish Government takes no action, and the need to maintain HE funding in Scotland in the face of the Barnett consequential as a result of the cuts in the HEFCE allocation in England. Our strong view is that the level of any fee increase in Scotland should be absolutely no higher than the minimum required to address these issues once all other sources of funding have been explored and must be no higher than the cap in place elsewhere in the UK. Increasing fees for RUK domiciled students must not be seen as the default solution to the problem.

It is also important to consider that the changes in tuition fee policy in England have led to proposals for wider reform to the sector. The Scottish Government and universities in Scotland will need to consider very carefully the changes outlined in the White Paper, *Higher Education: Students at the Heart of the System*, in particular: proposals for well-informed students driving teaching excellence through improving access to high quality, easy to understand information, including a single application portal and integrated application processes for both higher education and student finance applications; plans for a better student experience and better qualified graduates, including introducing student charters; and improved social mobility through fairer access. There will be a need for Scotland to respond to ongoing developments taking place elsewhere if it is to continue to attract the brightest students from across the UK

## **QUESTION 2**

### **004 – [REDACTED]**

My answer is Yes and No. I see the need to generate more income for Scottish Universities and avoid an influx of prospective RUK domiciled students who may select Scottish Universities for their place of study primarily for price rather than academic prospects; however the proposed ' approach may present issues and negative impacts that need to be addressed. Please see my comments below - Q.4

### **005 - [REDACTED]**

De-regulating fees simply has the effect of allowing universities to charge whatever they wish. It does nothing to compel Scottish universities to offer students courses with comparable costs to studying elsewhere in the UK. In the current climate of high unemployment, fierce competition amongst prospective students for university places has reduced competition between universities to attract these students. Universities also see high tuition fees as a status symbol. If fees were de-regulated in such an uncompetitive environment, Scottish universities would maximise their income by charging unfairly high fees to RUK-domiciled students. So, combined with the greater degree length in Scotland, the overall cost to study in Scotland would probably considerably exceed the cost to study in the student's own home nation in a de-regulated environment. Scotland would become the 'expensive option' so, while the places would still be filled due to weight of demand, these places would be filled by the rich instead of attracting talented RUK-students

toScotland.

To prevent RUK-students attending Scottish universities for financial reasons, the Scottish Government could legislate to link the fee levels for RUK-students with the average fees charged to them in their home nation, with an appropriate consideration to additional costs incurred by the greater length of Scottish degree courses. This would provide an appropriate mechanism to provide the responses required in Scotland whenever fee policy elsewhere in the UK changes.

### **010 – Equality Challenge Unit**

ECU appreciates the rationale behind the Scottish Government's decision to respond to the recent changes in higher education funding policy in England, Wales and Northern Ireland. We recognise that the proposed approach seeks to achieve a legitimate aim of safeguarding places at Scottish universities for Scottish domiciled students. However, as an organisation that works to advance equality and diversity in higher education in the UK, ECU has concerns that the proposed approach will lead to inequality of opportunity between students of Scottish domicile and students of RUK domicile, including those from protected equality groups. Through our work with the higher education sector, ECU has seen that financial matters can play a large part in the underrepresentation, lower attainment and early withdrawal of students from certain groups. This includes black and minority ethnic and disabled students. Although the consultation anticipates that Scottish universities will charge an average of £6370 per year, it is possible that many will charge close to the maximum £9000, as has proved to be the case in England. With an additional year of tuition and living costs to take into account, an undergraduate degree in Scotland would therefore become a more expensive option for RUK domiciled students. This would decrease the financial accessibility of Scottish undergraduate courses for RUK domiciled students, and may lead to further underrepresentation, lower attainment and withdrawal of students from certain groups.

While it is true that RUK domiciled students will also be subject to fees of up to £9000 in England, universities in England will have to commit to improving access for students who are underrepresented in higher education and where appropriate, improving retention and student success access agreements agreed with OFFA. Without the equivalent of access agreements, Scottish universities will not have to make the same kind of commitment to access to RUK domiciled students from these groups as universities in England. RUK domiciled students from disadvantaged groups will consequently be more adversely affected in Scotland than in England should the proposed approach be brought in without alteration.

On a more general note, the proposed approach involves the unequal treatment of students of Scottish and RUK domicile. While these groupings are based on place of ordinary residence not nationality, there may be an argument that the approach is indirectly discriminatory against students of RUK nationalities, and therefore of groups protected under the race provisions of the Equality Act 2010, since the majority of Scottish domiciled

students are Scottish while the majority of RUK domiciled students are English, Welsh and Northern Irish respectively. This is also true of the current system in which RUK students pay tuition fees while Scottish domiciled students do not. However, increasing fee levels for RUK students will increase the level of inequality in the system.

A further concern related to the differential treatment of groups is the potential impact on good relations between students. One of the aims of the public sector equality duty of the Equality Act 2010 is to promote good relations between those who share a protected characteristic and those who do not. The Scottish Government and Scottish universities therefore have a duty in this regard to groups of people of different races (which by definition includes those of different nationalities). ECU is concerned that the differential treatment of RUK domiciled students, who, as outlined above, are mostly English, Welsh and Northern Irish and Scottish domiciled students who are mostly Scottish, may create negative feeling between them on campus and create additional work for Scottish universities to meet this aim of the duty.

### **011 – Edinburgh University Students Association**

There should be no variation in RUK fees in Scotland and the fee level should be set as low as possible. EUSA is opposed in principle to tuition fees and we are against the proposal to allow universities to increase fees for RUK students. We are particularly opposed to plans to allow variable fees which would create a market in education. We strongly believe that this proposal would damage efforts to improve widening access, and also discourage talented RUK students from studying in Scotland. This in turn would damage the reputation of Scotland's higher education institutions as world class providers.

We believe that if the proposal goes ahead then the fee should be the same for all institutions, and set at the lowest possible level which would protect places for Scottish students. Setting the annual fee at £6295 would mean that it was the equivalent of the average fee in England modified to match the four year Scottish degree. We support the National Union of Students (NUS) Scotland's recommendation that crucially, to support widening access, 30% of all RUK fee income should be spent at each institution on providing bursaries to RUK students from widening participation backgrounds.

#### *Student flow*

The Scottish Government believe that an increase in RUK fees would maintain the current flow of students from south of the border when fees increase in England. However, this proposal could actually reduce the number of talented RUK students coming to Scotland to study. They may be discouraged by the level of debt that they would accrue in Scotland in comparison to at home. There is nothing to guarantee that numbers would be maintained, especially when, at £9000 a year, a degree for RUK students in Scotland would effectively be higher than one in England, given the four year degree system. Under the proposal, even before taking into account maintenance loans, a degree in Scotland could cost £36,000 as opposed to £27,000 in England.

#### Case study 1: graduate 2011

"I was the first member of my family to go to university, and I chose Edinburgh because it was a nice city and it was good in the league tables in my subject. Really though, for the sake of an extra £9,000 of debt, plus the extra year of living costs, I probably would have gone to Leeds to study instead. I love Edinburgh, but I would have chosen differently if I were applying again next year."

This proposal contrasts to 2006 when top-up fees were introduced in England. At that time the Scottish Government increased fees for RUK students but even taking into account the four year Scottish degree, tuition fees for RUK students were still lower in Scotland than in England. Setting the fee level lower than in England then would still protect places for Scottish students.

#### *Widening participation*

EUSA strongly believes that increasing RUK fees and particularly introducing variable fees would severely damage widening participation efforts. Should the proposal go ahead then 30% of all RUK fee income should be spent at each institution on providing bursaries to RUK students from widening participation backgrounds. We believe that bursaries would be preferable to fee waivers because they provide money to students to help sustain them financially whilst at university.

Non-traditional students from less affluent backgrounds are more likely to be debt averse. They are more likely to view the costs of higher education as a debt rather than an investment and therefore are more likely to be discouraged from entering into higher education and taking on a mountain of debt.<sup>1</sup> The new fees regime in England includes access agreements and bursaries to balance the impact that fee increases and a fee market will have on poorer students and it is vital that similar safeguards are put in place by Scottish institutions. Under the proposal, universities would be bringing in additional funds from RUK fees a proportion of these funds should be used to provide bursaries to ensure that the new fees do not price out lower income students from the RUK.

#### Case study 2: graduate 2011

"I wanted to come to Edinburgh because of its great academic reputation, its wide range of extra curricular activities, and of course the city itself. But if I was facing £36000 just in fees, there is no way I would have applied here. I would have been encouraged to choose somewhere cheaper, and probably ended up on a cheaper course, at a different university, studying a subject that I wasn't as passionate about. I also was really lucky to receive a small grant from the university to help me buy text books for my course but I still struggled

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<sup>1</sup> Claire Callender & Jonathan Jackson (2008): *Does the fear of debt constrain choice of university and subject of study?*, *Studies in Higher Education*, 33:4, 405-429

to afford my rent, and so I think it's absolutely essential that there are lots of bursaries available."

#### *Variable fees*

We are strongly opposed to variable fees and the damage that they would do to widening participation and social mobility. This proposal would allow variability between courses as well as institutions. Some prospective students would undoubtedly be forced to choose not only their university based on cost and the debt that they would accrue but also their course. The most expensive courses to teach are often those that lead to the highest paying professions and already students from the most affluent families are most likely to enter these careers. Only 7% of the population attend independent schools, but well over half the members of many professions have done so.

The UK Government claimed that creating a variable fee market would drive tuition fee levels down, when in fact it has only driven them up. The average tuition fee for students in England from 2012 will be just over £8000 a year. It seems unlikely that the outcome would be any different in Scotland.

#### *Fee revenue distribution*

EUSA welcomes the announcement that the RUK fee revenue would be distributed fairly, with the current teaching grant provided by the Scottish Government to institutions redistributed across the sector. However, it is important that some institutions are not put at a significant financial disadvantage to others. There should also be no incentive for institutions to chase RUK students to the disadvantage of Scottish students.

The Scottish Government must take into account the fact that some courses cost more than £9000 per student for universities to teach, such as veterinary and medicine. Currently the teaching grant contributes to this cost and without it some institutions would be underfunded. Under the new proposal, institutions teaching these courses would still need additional funding on top of tuition fees to ensure that they could continue to recruit RUK students to these subjects.

#### **014 – [REDACTED]**

It is abhorrent to charge someone born in RUK more than a local when other EU members nationals get the 'cheap option' you describe. Your proposal discriminates on the grounds of nationality English, Welsh \* Northern Irish nationals

#### **016 – Dundee University Students Association**

We do not agree with the suggested approach of deregulating fees as we are opposed to all tuition fees as a point of principle. More specifically the proposals within the Draft Order do not remedy the funding gap or secure places for Scottish students, but do penalise RUK domiciled students who wish to study in Scotland.

The Scottish Government had a prime opportunity to create an innovative and fair approach to higher education funding. However, this draft Order advocates the repetition of the disastrous policy instituted by the Coalition

Government in England and does not deliver the highly lauded 'Scottish solution' to higher education funding.

By deregulating fees the Scottish government have shirked their responsibility by placing this difficult decision upon Universities, who must balance their individual financial viability with the desire to remain attractive prospects to RUK domiciled students. This could arguably see individual universities attempt to maximise RUK student recruitment to increase fee income which will nullify one of the key policy drivers for these proposals, namely the protection of places for Scottish domiciled students.

In terms of Scotland becoming the "cheap option" this is a political myth. Since 2006, Scottish universities have charged tuition fees significantly less than those in England, Wales and Northern Ireland without the mass migration of so called fee refugees.

The proposals in the draft Order present the very real danger of making Scotland the most expensive place in the United Kingdom to undertake a degree due to the four year model. This could result in a drop in RUK applications which will adversely affect the diversity of universities and the towns and cities associated with them.

#### **019– Alastair Robertson Higher Education Academy**

While we understand that Scotland should avoid becoming seen as a “cheap” option for RUK students, we would not want RUK students to be adversely affected by any changes to funding policy of their nation of domicile. The funding policies are now clearly different in England, Wales and NI and this is obviously a complicating factor. It is clear that RUK students cannot be considered as a homogenous group and therefore charged the same level of fees. NI domiciled students, in particular, are at risk of negative impact if flat RUK fees were set by Scottish Universities.

#### **020 – Heriot Watt University Student Union**

English degree which is £7,881 per year and £23,643 for a three year degree. There are also additional living costs associated with a longer degree which will also be a factor for RUK students when they decide where to study. Therefore, we need to ensure that the cost of a degree does not put students off coming to study in Scotland.

The Scottish Government has to ensure that the system has a strong bursary and fee waiver system for RUK students. We believe that at least 20% of the RUK tuition fee should be invested in fee waivers, bursaries and accommodation grants, and 90% of this should go towards widening access initiatives. Widening access and bursaries should not be left to individual institutions. The Scottish Government should regulate how this is rolled out and implemented across Scottish institutions.

Giving universities individual flexibility to set their own fees might be beneficial to the university, but it sets in place the marketisation of education. This will mean that students may well choose a university, not because it is the best university for them to study at, but because it is the cheapest. We do not want to see any student having to make decisions based on price rather than quality or academic ability. This could cause a disincentive for students to

apply to any Scottish university if they cannot afford their first choice university, and it will lead to a damaging and elitist culture forming. Variable course costs could again cause students to evaluate what they will actually study, meaning that the more expensive courses may be off limits to students from non-traditional backgrounds. While we do not want Scottish universities to become the 'cheap option' for RUK students, we do not want to price RUK students out of Scottish universities. For this reason, we would like to see fees capped at £5,910 and we fully oppose variability between course subject fees.

With the cap being removed for RUK student numbers, it is important that Scottish places continue to stay fully protected to ensure equal access for all, especially as the number of Scottish students going to university will not increase. Universities can theoretically admit more RUK students, depending on teaching space and accommodation that is available on their campuses. The quota for Scottish students only applies at institution level, so little can be done to protect the numbers of Scottish students at subject or course level. We fully oppose a system which could allow RUK students to gain priority over Scottish students for sought after places on popular courses because RUK fees will bring in more than Scottish fees. It is also unclear what any surplus funds can and will be used for. We believe that surplus funds should be used to help widening participation, improve teaching and learning, and go towards improving the student experience. Direct entry could become a norm for RUK students as they try and cut the cost of a four year degree. At the same time, universities could peruse direct entry as a way to charge the full £9,000 fees a year for a shorter degree. The curriculum could then be redesigned around those who can pay, and around a shorter degree time. If this happens, a four year degree for Scottish students should be preserved. Students who do get direct entry into second year should not be disadvantaged in any way.

We also have concerns over the new domicile test for Scottish students. The tightening of the Scottish residency regulations could leave some Scottish students in limbo and without funding for their degree. The current unified UK system requires a student to be 'ordinarily resident' in the UK, and to be 'ordinarily resident' in Scotland on the relevant date before a course starts. We would like a robust system in place that ensures students do not find themselves in a situation where they fall between the differing higher education systems in the UK. If this happens, some students might not get any higher education funding from any funding organisation within the UK. This needs to be avoided as a matter of urgency.

We also believe that Scottish students who want to study in England will be greatly disadvantaged by the proposals as Scottish students will have to pay £9,000 to study at a university in England. The Welsh Assembly has declared that Welsh students will not pay any more to study in England than they do to study in Wales. This means that Welsh students will not pay more than £3,275 to study in England. We would like to see the Scottish Government honour this for Scottish students and pay the additional difference. Based on Scottish fees of £1,820 per student, this would mean up to £7,180 paid by the Scottish Government based on a £9,000 degree in England.

Investing in higher education is a cost that pays off in the long term. The knowledge economy demands that people are skilled and educated, and universities ensure that jobs are created in the economy. RUK students also bring economic advantages as they spend money in the local economy during university and when they stay in Scotland to pursue their careers. If we put RUK students off coming to Scotland to study, it could be detrimental to Scotland in the long run. Therefore, it is essential that our proposals are taken into account.

### **022 – Glasgow University Students Representative Council**

We do not agree with the suggested approach by the Scottish government. It is based on the presumption that most Scottish universities will set their annual fees for RUK students at around £6,375, yet evidence from England shows that most universities chose the upper limit of £9,000 despite the UK government suggesting this would not happen. We believe most other Scottish universities will follow the lead of their English counterparts with the implementation of the full fee. The Scottish four year degree programme will place RUK students in Scotland at a significant financial disadvantage. The four year programme creates a financial liability of £36,000 as opposed to the £27,000 costs incurred through studying the traditional three year English degree programme.

Whilst the four year degree is crucial in preserving the rich tradition of Scottish education, the extra year of living costs, as well as having to wait another year to enter employment (while students in England can enter full-time work after three years) ensures that a Scottish degree will be an unfeasibly expensive option for most prospective RUK students.

More importantly we do not support the consumerisation of education and the practice of universities defining their service and performance in monetary terms.

### **023 – Universities Scotland**

N.B. In order to maintain the overall level of per student funding for Scottish/EU-domiciled students studying medicine, the Scottish Government must ensure that the funding removed from the fee element (£880 per student per year) is transferred from SAAS to SFC, for distribution to the relevant institutions in their teaching grant allocations.

### **024 - University of Strathclyde Students Association**

#### **[Opposition to increasing fees for RUK students](#)**

One of the main aspects of the Scottish Government's proposals is to remove RUK students from the places funded by the Scottish Funding Council (SFC) each year. Each year the SFC sets a number of funded places in Scotland and allocates these places to institutions with institutions asked to deliver their allocation with a certain lee-way above and below. If an institution over-recruits or under-recruits beyond the lee-way they will be fined by the SFC. Following the Scottish Government's changes these funded places will now only be for Scottish and EU students, leaving RUK

student numbers unregulated. Therefore, the SFC funded places now act as a quota of Scottish/EU students that institutions have to deliver, protecting Scottish/EU students from fluctuations in demand from the rest of the UK.

Now that it is clear that a quota is possible for numbers of Scottish and EU students in Scotland, raising fee levels for RUK students is unnecessary to manage demand. This could be perceived by prospective students in the rest of the UK to be using them as 'cash cows' to fund Scottish higher education.

#### [£9000 fee cap level](#)

Regardless of our opposition to increasing RUK fee levels, we firmly believe that a cap of £9000 per year in Scotland is too high, and goes beyond even the reforms seen in Westminster. The vast majority of degrees in Scotland are usually four years in length, with the equivalent degree in England usually three years. While the fee cap level in England will limit the cost of a degree ordinarily to £27,000, in Scotland most degrees could cost up to £36,000. This could make degrees in Scotland the most expensive in the UK.

The Scottish Government should look again at the level of fee cap.

#### [Variable fees – introducing a market into Scotland](#)

We are fully against the marketisation of education in Scotland and across the UK. Education is not a commodity to be bought and sold, and a market would force students to make decisions on the basis of price rather than quality or academic choice. By removing RUK students from funded places, Scottish and EU students are protected from peaks in demand from RUK students and as such, as with increasing fees in general, we see no justification for introducing a market into Scottish higher education for RUK students.

Furthermore, we believe this could have serious unintended consequences. Introducing a market for RUK student fees moves the delivery of higher education away from the cost of teaching the subject to the market value of the place at the institution. Higher reputation institutions will be able to charge RUK students fees far in excess of the cost of delivering the course for some subjects, while for others even a £9000 fee would not necessarily be able to recoup full costs. While we fully oppose this variability, in practice it could mean that RUK students can attract a greater or lesser income in particular subjects than Scottish/EU students to the institution. Students sitting side by side will have different prices hanging over their heads which we believe in the medium term could begin to alter institutions' choices when it comes to placing students and when it comes to maximising their income, potentially risking squeezing Scottish students out of certain courses at certain institutions.

#### [Protecting access – fee-waivers and bursaries](#)

In England, institutions wishing to charge more than £6000 per year have to

submit an access agreement to OFFA for approval, outlining how they will protect fair access to their institution for those from poorer backgrounds, with fee-waivers and bursaries required. However, in Scotland no such framework for fair access exists. Alongside the level of fee cap, this is another way in which the Scottish goes further than even the system seen in England.

The Scottish Government should act to ensure that we have a strong and robust bursary/fee-waiver system in place in Scotland for RUK students, reinvesting some of the huge sums of money being taken from RUK students in additional fees back into protecting access for the poorest. In the Annex of this response we have outlined some principles which could form the basis of a Scottish system of fee-waiver/bursaries for RUK students.

### [Suggested Improvements](#)

#### **1. Flat RUK fees – no variability**

We believe fees for RUK students in Scotland should be flat, regardless of whether the Scottish Government makes the decision to increase them or not. The Scottish Government, in introducing what is, in effect, a quota for Scottish and EU students that Scottish institutions have to meet has shown that regardless of fee levels increasing and becoming variable in England, Scottish student numbers will be protected. This means variability is not required to manage demand from RUK students.

A flat fee would ensure that regardless of what happens in England, Scotland can choose to avoid the marketisation of education. Equally, it would allow the SFC to ensure that the income generated by an RUK student is always matched by the public funding provided for Scottish and EU students. This is important to avoid the possibility of Scottish students being squeezed out at the subject level.

#### **2. Introduce minimum standards on fee-waivers and bursaries**

We believe the Scottish Government must introduce measures to ensure that those institutions charging RUK fees have sufficient systems in place to protect widening access. Institutions in England have to provide fee-waivers and bursaries and USSA strongly recommends similar measures in Scotland too.

USSA's suggestions would range from a minimum amount of RUK fee income that institutions must spend on bursaries/fee-waivers through to a 'Scottish offer' of bursaries, providing clarity for prospective RUK students as to what would be on offer if they choose to study in Scotland (e.g. the 'Scottish offer' could be 5000 bursaries of £10,000 each, available to RUK students with income below £30,000 per year). This could protect widening access from the rest of the UK, try to maintain an element of fairness in the system whilst helping to repair some of the reputational damage to Scottish institutions caused by the proposed RUK system, helping the recruitment of RUK throughout the income bands.

No. We fundamentally oppose the introduction of variable fees and the introduction of a market for other UK students. Further, to make this first step without any legislative constraints or safeguards is concerning.

*If not, why not? And how would you ensure that Scottish universities do not become the “cheap option” for RUK domiciled students?*

The fee level should be set by government rather than individual universities and at a level to stop fee refugees, with all funds gained reinvested across the whole sector, including aiding student support.

### **033 - St Andrews University Students Association**

Our response is fully explained in the attached document, but can be summed up here:

- Deregulation will introduce a market into higher education in Scotland to which we are opposed.
- If the aim is for Scottish Universities to be able to compete on an equal basis, we disagree with the maximum fee being set higher than English Universities
- We feel that the RUK students should not be held responsible for the unpopular decisions of the Conservative-led government.
- We value the social diversity of our universities and feel that this will be adversely affected by this move
- We believe that a ‘high fees culture’ will in the long term endanger free education in Scotland and the ‘democratic intellect’

### **034 – STUC**

The STUC believes that the Scottish Government should aim to keep the fees that RUK domiciled students pay in Scotland neutral to the average fee rate in their home jurisdiction. By allowing Scottish universities to set their own fee rates, up to the level of £9000 the consistency and the neutrality of this system has been removed. This approach also does not meet the Scottish Government’s stated aim of preventing Scotland from becoming the ‘cheap option’ as it leaves fee rates in the hands of universities who may decide to set either higher or lower fees. We are also concerned that Scottish students could be seen as less desirable for Scottish universities if fee rates for students from other parts of the UK vastly outstrip the funding available for home students.

Previously fees for RUK students were set by Scottish Ministers with an aim of making fee rates in Scotland neutral with that of other UK jurisdictions. Fees were therefore set at a slightly lower rate than other UK fees so that the overall cost to students would be the same when Scotland’s four year degree is taken into account. The current proposals would allow Scottish universities to set their own fee rates. If they choose to set them at the maximum level of

£9000 per year then pursuing a degree in Scotland becomes more expensive than pursuing the same degree in England.

The STUC sees no reason why the neutral approach that has been taken by Ministers in the past should not be maintained which would provide stability and consistency for Scotland's universities and would be a relatively fair approach to the difficult question of fee rates for RUK students. It also opens up the possibility of developing separate agreements with the Welsh and the Northern Irish assemblies for their students. Both these nations are currently considering holding tuition fees for their own students at £3000 per year plus inflation if they study at a home university. If £9000 tuition fees are adopted for all RUK students it would mean that universities in Scotland cost three times more than a university place for these students in their own country even before the added cost of an additional year is taken into account. This system is therefore likely to dramatically reduce the numbers of students coming from Wales and Northern Ireland to Scotland.

The STUC is concerned that by placing the power to set fee rates into the hands of universities, the Government loses the ability to control this area of policy and maintain student numbers coming from certain parts of the UK. It also loses the neutral approach that has been taken in the past and the ability to prevent Scotland from becoming either a cheap option, or a vastly more expensive option than Universities in other parts of the UK.

### **038 – ATL Scotland**

We recognise that the current situation is not of the Scottish Government's making; and indeed we supported the Scottish Government when it abolished the graduate endowment in the last Parliament. We welcome the Scottish Government's consultation on the draft Order as we believe an equitable and sustainable solution needs to be found to ensure neither Scottish universities nor Scottish students are disadvantaged by the new fee regime being implemented elsewhere in the UK from 2012/13.

ATL remains opposed to the marketisation of education across the UK in whatever format from tuition fees to academies to free schools. We do not believe that students should be paying the price of the current UK Government's decision to dramatically reduce and in some disciplines withdraw the teaching grant to universities in England.

It is for that reason we cannot support the Scottish Government's approach in its current format; regardless of whether or not we believe it would have brought forward such proposals if it had not been required due to the actions of the UK government. We believe that the proposed approach could lead to a marketisation of higher education in Scotland, albeit with potentially unintended consequences between and within institutions and courses, if it is not reviewed and revised.

If RUK domiciled students are to be excluded from fee arrangements as per the Order then that would seem to amount to a quota for Scottish domiciled students. It would appear, therefore, that a mechanism to protect the number

of places available for Scottish students is already effectively in place, thus removing much of the need and rationale for the deregulation of fees for RUK domiciled students as proposed.

### **039 – University of Abertay Dundee Students Association**

Allowing deregulation of fees for RUK students goes against the underlying principals of why students in the rest of the European Union are allowed free movement within the Higher Education sphere of this continent and opens up a system of discrimination and a postcode lottery that disadvantages potential academics based on where they are from and not on their talent.

Deregulation also allows Universities to compete financially for students. There are a variety of universities in Scotland that specialise in particular fields and prospective students selection should be based on the excellence of a particular institution and not on a concept of what offers greater “value for money”. Students should not be expected to choose where they would like to enrol at University based upon the level of debt they would exit with but the appropriateness of the course content in matching the academic needs of an applicant. While increased fees not only encourage customerisation of students, it will also harm the academic provision of all institutions and also having a detrimental effect on how students respond to academia.

A matter of additional concern is the possibility of Scottish universities being able to charge variable course fees. This overlooks the probability of creating academic tension in Universities among students. On top of students from different backgrounds paying varied fees for the same university experience, there is a possibility that students paying large course fees will see funds being used to subsidise other courses where there may not be as much income. Customerisation affects academic quality, so will variable fees. Increasingly there has been an issue in the UK of adult literacy; while at university level, standards of reading and writing aren't as high a concern, the degradation of academic (and professional) behaviour of students is becoming an increasingly alarming issue which will be magnified should students be forced into a situation of questioning “what am I getting for my money?”

If the status quo remains, then Scotland may be faced by unmanageable levels of RUK student demand, however the concept of a tiered system of tuition fees is one we find wholly unfair to students, damaging to the Scottish Higher Education tradition and reputation and damaging to the quality of Higher Education in Scotland.

### **040 – BMA Scotland**

The proposals will mean that the level of tuition fees for RUK students will no longer be set by Order by the Scottish Ministers. This will be the case until such time as Scottish Ministers can bring forward primary legislation to set an upper limit for fee levels for RUK domiciled students. We are concerned at the

proposal that tuition fees will be deregulated without any upper limit being imposed at the same time. It is vital that a cap is introduced as soon as possible and universities must not be allowed to charge more than universities elsewhere in the UK.

### **Access to fee loans**

We welcome the reassurances we have received that fee loans of up to £9,000 a year will be available for first degree RUK students studying in Scotland, enabling them to defer payment until after they graduate and are earning more than the income repayment threshold. This is vital to ensure Scotland can continue to attract students from the rest of the UK. However, we are deeply concerned that the changes are likely to mean that studying medicine as a second degree for RUK students will be unaffordable for all but the very well off, as these students must meet the cost of their tuition fees upfront and the level of graduation debt from their first degree will be significantly higher in future. The shorter graduate entry medicine courses in England are likely to be more attractive than studying in Scotland, particularly as English domiciled students starting in 2012 – 2013 will continue to be able to access bursary support and will not face any extra upfront charges as a result of any increases in tuition fees.

### **Access and bursary support**

We believe that the overall cost for RUK domiciled students of studying in Scotland should be no higher than if they had opted to study in their home country. As Northern Ireland is yet to announce its decision on future tuition fee levels, it is unclear if the planned changes in Scotland will lead to any disparity in the fee levels for Northern Irish domiciled students of studying in Scotland compared to Northern Ireland. We are deeply concerned and surprised that the Scottish Government is proposing deregulating fees for RUK students, allowing universities in Scotland to charge £9,000 a year tuition fees, without setting out any requirements for universities to provide enhanced bursary support and measures to widen access for those from low income households. This goes beyond the reforms seen in Westminster. In England, universities will only be permitted to charge more than £6,000 a year if they have an Access Agreement with the Office for Fair Access (OFFA). Data published by OFFA estimates that HEIs in England will spend £506.6m on access agreements in 2012 (up from £401.3m in 2011) and rising to £595.5m by 2015, representing nearly 27% of fee income above the basic fee. Measures include fee waivers, bursaries and scholarships, outreach programmes and retention, which will serve to reduce the average fee and costs for many of the poorest students.

The lack of any similar arrangements in Scotland risks Scotland being the most expensive place to study in the UK for RUK students and is likely to restrict the number of these students applying for medicine. Those from low income backgrounds in particular will be disadvantaged which will be hugely damaging for widening access to medicine. It must therefore be a priority to ensure that universities in Scotland introduce significantly enhanced bursary support and fee waiver schemes, considering carefully the support that English universities are introducing so that provision in Scotland at least matches this.

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### **Non-UK EU students**

We represent all medical students studying in Scotland, a significant number of which are English, Welsh and Northern Irish domiciled. RUK students have a strong perception of unfairness at being treated differently to Scottish and EU domiciled students. While we acknowledge that, as a consequence of devolution the Scottish Government is responsible for supporting Scottish-domiciled students, the position with regard to support for EU students is an unfortunate anomaly. We know that this is recognised by the Scottish Government which has committed to introducing a management fee to be paid by EU students. We would be grateful for details of progress on this, as the changes set out in this consultation will not resolve the continuing disparity in treatment between RUK and EU domiciled students.

### **Teaching grant**

The consultation advises that the SFC teaching subsidy for RUK students will be redistributed so that the benefits of any increased income to the sector are shared widely across all universities. The teaching grant for medicine is currently set at £8,240 a year (£5,345 SFC funding and £2,895 tuition fee) for the first two pre clinical years and £16,330 a year (£13,435 SFC funding and £2,895 tuition fee) for the remaining three clinical years. It is vital that the overall funding per place is maintained and there is no reduction in funding to medical schools. Although the consultation did not include details on how the proposed changes would be applied for subjects with higher teaching grants, we welcome the assurance we have been given by the Education and Lifelong Learning Directorate that SFC funding will continue to subsidise RUK medical student places, albeit at a reduced level to account for any increase in tuition fees, to ensure that per capita funding is maintained. This also serves to ensure that funding per student, regardless of domicile within the UK, remains the same, which is important as there should not be funding incentives for institutions of accepting students based on their domicile. It is important that the reduction in SFC subsidy is not directly correlated to the gross tuition fee charged to RUK medical students, as it should also take account any increased bursary provision which may reduce the net amount of tuition fees universities receive. Our strong position is that the overall amount of funding to medical schools should at the very least remain at current levels. However, the proposed changes to the teaching grant which will reduce the SFC subsidy for RUK places provide an opportunity to increase the overall SFC subsidy per place within the existing budget. This would have the advantage of serving to protect medical schools' funding, thereby maintaining the quality and viability of Scotland's medical schools, as the total number of undergraduate medical student places is reduced over the next few years to match workforce planning projections. An overall increase in teaching grant in Scotland will also help to ensure that per capita funding for medicine remains competitive with England, where we understand the combined HEFCE teaching grant and tuition fee may result in higher overall funding per place.

### **RUK and Scottish/non-UK EU domiciled places**

We welcome the assurances we have received that medicine will remain a controlled subject, with intake targets set by Ministers and published by the SFC each year in order to ensure that the supply of skills meets demand. The proposal therefore to allow universities to determine how many RUK students they recruit will not apply to medicine. However, the planned changes to tuition fees and funding will result in there being two rates of SFC subsidy

(one rate for Scottish/non-UK EU domiciled places and one for RUK places). We understand that consideration is being given to how this should be managed for controlled subjects and that options under discussion include institutional intake targets having separate, defined targets for Scottish/non-UK EU domiciled places and RUK places, and possibly combining RUK and international student targets.

We would strongly oppose any move to introduce a combined intake target for RUK and international students. The funding arrangements are very different for these groups, meaning there would be perverse incentives, with universities receiving around double the funding from international students.

The proposal to separate intake targets for RUK and Scottish/non-UK EU students effectively introduces 'quotas' which we also strongly oppose. There should be no distinction between RUK, Scottish and EU places for medicine, where the numbers are limited and the figures on an institutional level would be very small. Places at medical school should be awarded on merit, not where in the UK the candidate is domiciled. While we recognise there will be funding implications for the SFC, depending on the exact numbers of Scottish/EU and RUK students recruited each year, the effects of this would be limited given that the number of places is defined and there should not be significant fluctuations each year. SFC funding should be flexible enough to account for this.

As well as opposing quotas in principle, we are also concerned that this proposal fails to consider that the more pronounced fee difference between England and Scotland from 2012 – 2013 is likely to lead to increased demand for places in Scotland from non-UK EU students. Far from protecting places for Scottish domiciled students, any quota may well reduce opportunities for them in the face of competition from non-UK EU students. There are also practical implications for how 'quotas' would be implemented for St Andrews where 55 medical students transfer to the other four medical schools in Scotland to complete their clinical training each year.

It is also important that changes to funding arrangements and plans to distinguish places by domicile do not adversely impact on opportunities for medical students to undertake intercalated degrees which a number of students do in order to study a medical science subject in depth and gain a BSc degree. This is particularly the case for those who intend to enter academic medicine or undertake medical research during their career. We would be grateful for further information on how the planned changes may impact on students' requests for intercalation.

#### **042 – [REDACTED]**

It's not about them being cheap. I think university in Scotland should be free to anybody in Europe thereby creating a boom in our education industry.

It can be funded by sponsorship and advertising. We need to rely more on big business to fund social ventures, the average tax payer can't afford it! The contact with these businesses will also provide a wide range of benefits such as organisation of internships, industry experts speaking directly to students, etc...

### **QUESTION 3**

#### **011 - Edinburgh University Students Association**

If universities are allowed to set their own fees for RUK students up to the same level as in England then the Scottish Government should not set a separate higher fee for medical degrees.

#### **015 – The University of Edinburgh**

Yes, however, to maintain the gross unit of resource for medicine for Scottish/EU-domiciled students, the Scottish Government must ensure the fee differential (£880 per student per year) is transferred back from SAAS to SFC, for distribution to the institutions admitting these students.

#### **016 – Dundee University Students Association**

The removal of the current differential fee, which acts as a threshold, would allow Universities in Scotland to charge significantly more for courses in Medicine.

#### **019 – Alastair Robertson Higher Education Academy**

The proposals suggest that the fee for Scottish students to undertake a medical degree will be £1820 rather than the current £2700. This represents a potential loss of income for Scottish institutions which teach medicine. Allowing Scottish Universities to set their own fees for RUK students with the presumed expectation that these are similar to the rates being charged by other UK medical schools, however, make sense. The provision of medical education is expensive and Scottish Universities should not be allowed to become second-class to other UK establishments through under-funding. We suggest that it would be preferable to retain the differential fee for medicine for Scottish students.

#### **024 - University of Strathclyde Students Association**

Medicine has always been known to be more expensive. If the differential fee was removed this could possibly mean that students who are not studying medicine will have to pay a higher fee in order to compensate this loss. Furthermore, medicine degrees are more expensive due to the costly overheads, and most students once they graduate will be able to recoup these costs quickly after they complete their residency.

It would not be fair to drop the differential fee as this would reduce the perceived quality of medicinal degrees if they are the same price as other degrees as students would question the quality of their education

#### **030 – Stow College**

In setting fee levels there should be some recognition of the costs of providing the education.

### **031 – UCU**

This question assumes that the new system will be introduced portending the outcome from this consultation. If RUK students are removed from the Act then there is no need for the differential fee for medicine but if a different system arising from this consultation is introduced then it may still be required. However, it is unclear from this proposal if individual institutions can charge one fee or different levels depending on the subject. If so, institutions could then introduce a higher fee for medical RUK students and other more expensive but lucrative subjects.

### **034 – STUC**

The STUC believes that fees for all RUK students should be set in such a way that they are neutral with other parts of the UK. The differential fee rates for medicine were set in the past to ensure that neutrality, given that medical degrees in Scotland are the same length as medical degrees in other parts of the UK. We believe this neutral approach should be maintained.

### **038 – ATL Scotland**

If passed the new 2011 Order will in effect make the 2006 Order redundant. Removing the differential fee for medicine would therefore be a natural consequence of the Order being passed.

### **040 – BMA Scotland**

We agree that the differential fee for medicine should be removed; there is no justification for charging Scottish domiciled medical students a higher fee than for other courses. We understand that this move will not impact on the overall funding medical schools receive per place.

It is helpful that the consultation recognises that this move will be beneficial for Scottish domiciled medical students and plans that students who have deferred their place and are due to start their course in 2012 - 2013 will come under the new arrangements, rather than be liable to pay £2,895 a year (RUK students in this position will come under the old arrangements). As these students will have applied at the same time as students starting in 2011 – 2012 and before the decision to remove the payment of the tuition fee differential had been announced, we would support new self-funding Scottish domiciled students starting in 2012 – 2013 who can demonstrate they had a reasonable expectation that SAAS would meet the cost of the fee differential being able to apply to SAAS to receive this support.

We are pleased that, in light of the planned removal of the higher fee from 2012 – 2013 the Scottish Government has agreed to continue to allow medical students who start their course in 2011 – 2012 to apply to SAAS to pay the fee differential, in order to ensure they are not disadvantaged compared to previous and future year groups.

## **QUESTION 4**

### **001 – University of Glasgow (Nursing & Health Care)**

Page 11: 'establish a relevant connection with Scotland' is translated into 'ordinarily resident in Scotland for 3 years preceding....first term'. I suspect that some people will take issue with this definition as they may be Scottish by

birth but due to family reasons, living furth of Scotland. Currently it is known that people will use family member's addresses as their permanent address to ensure school placements within a particular catchment area. The same will apply in this situation. Considering the many Scottish tax exiles that there are, the whole definition of what it means to be Scottish needs to be further clarified and not limited to residence only.

### **002 – Queen Margaret University Glasgow**

Queen Margaret University welcomes the Scottish Government's swift response to the issue of rest of UK fees because potential students in this category need to know what fees apply when they apply for 2012 entry from this autumn. It was simply not feasible to maintain the status quo, as the introduction of increased fees in England could have resulted in impossible pressure on the numbers of places here in Scotland. Equally, the new system must still be attractive to students from the rest of the UK. As the detail of the proposals is worked out, it will be important to ensure that the arrangements work for the entire range of Scottish universities, each with a different geographical mix of students. We know that the Scottish Government is committed to operating in partnership with the higher education sector, and we look forward to working with them as the proposals develop.

### **004 – [REDACTED]**

Generally I would say that the draft order is comprehensive and clear. However a few potentially harmful negative impacts may occur as a result that I feel should be taken into great consideration and that government should be prepared for:

1. Despite Universities in other parts of the UK setting their own fees, many at the cap of £9000, and then Scottish Universities predictably setting the same high fees, there is still the issue of admission equality. How are Scottish Universities going to reassure and guarantee all UK students that their admission to a Scottish University is being treated equally? For instance, an RUK domiciled prospective student with suitable entry requirements plus a sizeable however there still remains the ugly face of inequality and it may transpire that students who are in a fortunate financial position upon applying, may yet again prevail. Scottish domicile students must be protected and Universities must ensure admission processes are fair and equal to all students. Scottish Universities should work more closely and engage fully with SFC funded HE programmes such as SHEP (Schools for Higher Education Programme) and other partners to help support equal access for young Scottish people to HE. They should consider making admission agreements for those young people benefiting from such programmes more formal instead of admissions departments 'acknowledging' receipt of such applications.
2. On the flip side of RUK domiciled prospective students paying higher fees than their previous counterparts, there is the danger of discouraging young people to apply to University at all. Therefore a decline in student numbers on undergraduate/postgraduate courses

vvl.ich could be detrimental to the future of school disciplines and their academic and support staff. Whereas at the moment there are RUK domiciled and non UKEU students helping to generate an income for Scottish Universities, therefore should Scottish Universities be given powers to decide tuition fee rates, they may actually lose income generated by the RUK students that currently represents 15% of the student population in Scotland.

3. There also may be an issue which we may later see evolve from young families currently living elsewhere in the UK other than Scotland. The issue being that they may choose to move north of the border now to enable their dependent(s) to be eligible under the current residential criteria stated by SAAS to cover tuition fees at Scottish universities in Scotland. Although this will increase competition between prospective students which is healthy for anybody, it may further increase the economic pressure already felt globally. The current Scottish employment figures are not high, which means less taxpaying citizens, which means less money in the pot to cover a potentially large amount of tuition fees in Scotland for those eligible under the residential criteria, thus putting even more pressure on taxpaying citizens who some may never had the chance to experience FE or HE.

#### **005 – [REDACTED]**

If the fee levels are controlled by a cap, as proposed, then this is simply a different form of regulation and the Scottish Government will continue to be in a situation where it must respond to changes in fee policy elsewhere in the UK. Most universities would simply set their fees to the maximum allowed, as has happened elsewhere in the UK.

The proposed fee cap level of £9,000 will make tuition fee costs for a four-year Scottish degree course £36,000 compared with £27,000 for a three-year English degree course. There is an additional year's living costs to consider for studying in Scotland also, pushing the additional expense well into five figures.

Scottish universities could become more expensive than those elsewhere in the UK and fill their places with wealthier RUK-students due to weight of demand for university places overall, but Scotland would clearly lose out on talented RUK-students who would apply to universities in their home nations for financial reasons, causing an overall 'brain drain.'

The projected average cost of £6,375 appears to be purely speculative. It is far more likely Scottish universities would choose to charge much more, to maximise their income.

Universities in England are being permitted to raise their fees to offset the effect of a reduction in Government funding. Therefore there appears to be little possibility of a funding gap emerging between English and Scottish universities. If this is an initiative to raise revenue in order to fill such a gap, there appears to be no requirement for it.

**007 – [REDACTED] – University of Bristol**

The proposals appear to represent an effective way of both ensuring that Scottish universities do not receive a disproportionate number of applications from RUK students and, at the same time, ensuring that RUK universities do not lose a disproportionate number of their RUK applicants to Scottish competitors.

It is unclear from the consultation how the proposals are expected to play out in the light of EU legislation since they effectively exclude a group of EU nationals (resident in RUK) from being treated on an equal basis with other EU nationals.

**009 – [REDACTED]**

[REDACTED]'s letter asks for replies by 2 September on the draft order.

It is perhaps unfortunate that what is described as the first step in creating a uniquely Scottish solution is one that appears to involve students from the rest of the UK helping to sustain arrangements which allow Scottish (and ED) students to have their fees paid from public funds. On page 2 of Annex B there is a reference to the intention to "future proof" policy. Presumably some consideration has been given to the possibility that fees of RUK domiciled students may have to be met in future from public funds if an independent Scotland became a member of the EU and the present policy on fees was continued.

The report of the Scottish Government-Universities Technical Group on Higher Education made assumptions of possible fees from RUK students which took account of the comparative lengths of honours degree courses. Page 2 of Annex B mentions £6,375 as a competitive figure. There is no real explanation for the current proposal which would allow universities to charge up to £9000 over four years. Would a more realistic figure for a cap not be £7,000, if £6375 is competitive? Experience in England suggests that giving a power to charge up to £9,000 results in many cases in a fee of £9,000.

Page 2 of Annex B also says that the current "teaching subsidy" for RUK students will be redistributed widely. Will that apply to the more expensive subjects such as medicine? Even in England the "teaching subsidy" is retained for some subjects.

I realise that the fees in the draft Order are those previously charged from 2006, with the exception of the medical fee. These levels were set at the time "to guard against fee refugees", because students in England were being charged £3,000 annually. If the problem of fees for RUK students is treated in the way proposed, there does not seem to be any particular reason for an annual fee of £1820 for students with a relevant connection to Scotland. Is it necessary or desirable to retain this level of fee? Page 4 of Annex B says that these proposals will apply until Scottish Ministers can bring forward primary legislation to set an upper limit for fee levels for RUK domiciled students. The upper limit would be expected to be £9,000. If the policy objective can be attained by secondary legislation, what is the advantage of primary legislation containing a figure which could well require amendment by primary legislation in due course?

I attach a completed respondent information form.

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[REDACTED]

### **010 – Equality Challenge Unit**

The Order specifies fees for full time Scottish domiciled students only and does not apply to part time students. Universities will therefore have the power to set their own fee levels for part time students. While ECU recognises the complexity of setting fee levels for flexible learning guidance on fee levels for part time Scottish domiciled students could also be included to help mitigate the impact on students from protected groups, such as women, who made up almost two thirds of part time students at Scottish universities in 2009/10 (Higher Education Statistics Agency)

### **012 – Cemvo Scotland**

#### **Comments on the draft order**

- a. Whilst decisions will be based on locality rather than nationality – and therefore unlikely to breach current equalities legislation – this new law could see English students having to pay up to £9000 a year to attend a Scottish university while Scottish students pay nothing. Even if not found to be discriminatory under the current UK Equality Act, setting English, Welsh and NI students apart from students from Scotland will almost certainly cause poor campus relations and cannot be seen to promote equality of opportunity, fairness and respect
- b. At the same time, if Scottish universities have to increasingly look to fee paying students – including international students – in order to obtain greater income, then it could send a message that financial considerations matter more than the students themselves. By shutting their doors to competent British applicants *from across the UK* whilst continuing to actively recruit overseas students who clearly offer a lucrative income this is creating a further two tier system
- c. Research carried out by the Department for Work and Pensions already shows that child poverty rates for BME groups are far higher than the national average therefore this would suggest that poor BME students will suffer adversely from higher tuition fees; ultimately less likely to enter into higher education. In addition the Institute for Public Policy Research has found that ethnic minorities have been disproportionately affected by the rise in unemployment, with young people without a university education worst affected.
- d. There is on the other hand currently no evidence to suggest that BME students would choose Scottish universities because they are seen to be a ‘cheap option’ and indeed there may be very positive reasons which have not been taken into account ie reputation, positive approach to diversity etc which we should encourage

- e. We would therefore strongly suggest that further consideration is given to the possible impact on BME students from across the UK.

/...

## **2. Comments on Interim Impact Assessment**

It is unclear if the 'interim' EQIA is a 'rapid' impact assessment or an equality screening tool. We believe that it would be very helpful if government departments were to use consistent language and approaches in relation to EQIA.

- a. Additional evidence in relation to adverse impact
  - i. Data sources used are quantitative only; qualitative information is also essential on the needs and experiences of BME students across the UK
  - ii. Data used provides very limited and out of date evidence on BME communities, for example it is widely accepted that the demographics in Scotland have changed dramatically since the 2001 census data
  - iii. UK wide data needs to be complimented by Scottish based research findings and analyses; figures on their own are of little value
  - iv. There is no mention of human rights
- b. Alternative options
  - i. CEMVO Scotland is not a research organization and its role does not include gathering evidence. We do however believe that further research is urgently required, particularly in Scotland and should be commissioned in partnership with the BME third sector/experienced BME researchers in order to provide us with robust information on some of the most disadvantaged groups of students. It also needs to be made clear in the full EQIA how this will be commissioned/gathered
  - ii. Consideration of bursaries/fee waivers to be set up for poorer students from the rest of the UK to allow them to continue to study in Scotland – if fees do rise to the maximum level
- c. Findings
  - i. We consider that the assumption made under the section on race (and focused on table 3) is based on very limited, generic and somewhat out of date evidence
- d. Consultation
  - i. Whilst we welcome the fact that a full EQIA is deemed necessary following the interim approach we feel that the consultation with equality groups was late in starting and was not sufficiently robust or inclusive to effectively inform the full process
  - ii. For the purposes of transparency, we request comprehensive feedback following the consultation as well as information about the 'additional evidence' that was gathered in relation to BME students and other

potentially disadvantaged groups before any final decision is made.

#### **015 – the University of Edinburgh**

Page 9 of the draft Order states that “[fees for RUK domiciled students] of £6,375 [would represent] a competitive figure even once the extra length of the degree in Scotland is taken into account”. The Scottish Government should be aware that our four year degree students accumulate 120 credits for each year of study, which is the same annual credit value that three year degrees offered by institutions in England deliver. And Transparent Approach to Costing (TRAC) for Teaching data demonstrates that the resources Edinburgh uses to deliver a year of teaching are equivalent to those used by our peer institutions in England. Therefore, reducing the annual fee for institutions in Scotland, to give the same cumulative fee as institutions in England, would considerably under-resource Scottish

#### **016 – Dundee University Students Association**

Contained within Annex B is information relating to the proposal from the Joint Technical Working Group of charging RUK domiciled students £6,375. This represents a significant and unwelcome increase on current fees but is a figure which universities believe will enable them to remain competitive within the UK and further afield. Why has this not been carried forward into the draft Order?

#### **017 – University of the West of Scotland**

We note (p10 Statement of Reasons) that the intention is for Scottish Ministers to be empowered to have regard to “any retail price index” in relation to the revalorisation of fee levels. Our view is that this should be the index which is most relevant to the actual price inflation experienced by Universities to meet the requirement in the draft SI 4(b) “to maintain the value in real terms of those specified fees”.

#### **018 – Aston University Birmingham**

The challenge for Scottish and other UK Universities is the differential that would exist for EU (eg French, Irish, Spanish) students wishing to study in the UK. These students would as at present pay no fees or far less in fees if they study in Scotland compared to other parts of the UK.

This costs the British and Scottish Taxpayer a massive sum and is not sustainable. This also creates distortions in the UK and European Higher Education Market and could again lead to Scottish students being unable to secure a place at a high demand course in Scotland and a further reduction in the numbers of EU students studying in England, Wales and Northern Ireland. There are 16,000 EU students at Scottish Universities at present and 22,000 English students (source BBC Education news website 21<sup>st</sup> August 2011). It would be fairer for Scottish Universities to treat all non Scottish Domiciled students the same post 2012 if the commitment to “free” Higher Education for Scottish Domiciled students is to continue

### **020 – Heriot Watt University Student Union**

The Draft Order proposes to maintain the current level of cross border flows within the UK, while protecting Scottish domiciled students. We do not believe that the proposals adequately ensure this. Currently, around 15% of undergraduates come from RUK. The current proposals of charging up to £9,000 fees per year could put off students from a lower socio-economic background applying. This would result in top domicile RUK students applying and getting into Scottish universities. The Draft Order needs to ensure that widening participation is still a priority. The figures suggest that Scottish universities can generate up to £62m in additional revenue if RUK students are charged around £6,375 in fees per year. This amount should have been the suggested per year fee instead of £9,000.

The Draft Order is too black and white. The protection of Scottish student places is a welcome one. However, there is no cap on how many RUK students an institution can take. This could result in student oversubscription at institutions, and lectures and tutorial classes may also be oversubscribed, resulting in larger classes. This could impact on the learning experience of students who study in Scotland.

### **022 – Glasgow University Students Representative Council**

We believe overall that the proposals outlined in the draft Order and associated documentation has the potential to damage the Scottish higher education system. Giving Scottish universities the option to charge up to £9,000 fees per year is likely to dissuade RUK students from studying in Scotland. Many universities in Scotland have a diverse student population composed of students from Scotland, the rest of the UK, the EU and around the world. It would leave a significant cultural gap were the likely sudden drop in the proportion of RUK students at Scottish universities to occur.

If implemented, the proposals of fee deregulation will encourage the trend towards entrance to education being based not on ability but ability to pay.

While we accept that fees are not paid upfront, and that there are schemes of loans and bursaries in place, we feel that the knowledge of a degree potentially costing an individual up to £36,000 would put many people off applying for university when they may have otherwise done so.

We believe the Scottish Government has an opportunity to take the lead on educational policy and display ingenuity in seeking out innovative solutions to this difficult situation. We hope that the tradition of fairness and equality that is a cornerstone of Scottish education is not compromised.

### **023 – Universities Scotland**

It will be important that the Scottish Government develop robust and transparent residency criteria and for such criteria to be clearly communicated by means of advice and guidance to universities and prospective students. The Scottish Government may also want to review the related residency requirements for student support eligibility to ensure that there is an appropriate consistency between these related sets of regulations.

Page nine of the draft Order states that fee for RUK domiciled students " of £6,375 [would represent] a competitive figure even once the extra length of the degree in Scotland is taken into account". It should be noted that students

on four year degree programmes in Scotland accumulate 120 credits for each year of study - the same annual credit value that English three year degrees deliver. Transparent Approach to Costing (TRAC) for Teaching data collected by the UK funding councils demonstrates that the resources required to deliver a 120 credit year of university teaching in Scotland are broadly equivalent to the costs incurred by institutions in England delivering an equivalent 120 credit year of teaching.

#### **026 - Robert Gordon University**

Under the section headed 'Benefits of the proposed changes' within the Statement of Reasons in Annex B, it is stated that '.....the current teaching subsidy for RUK domiciled students will be redistributed so that the benefits of any increased income to the sector are shared widely across all our universities'. We believe that funding which is freed up must be protected to support teaching across Scottish universities and not used for any other purpose. We also believe that the first priority for redistribution of such funding must be to restore to Scottish universities the funding for Scottish-domiciled students which was withdrawn from the teaching grants announced for 2011-12.

#### **029 - University of Aberdeen**

Prior to passing the Order, we expect the Scottish Government to fully ensure that it is competent for it to make the Order having regard to S 57 (2) of the Scotland Act and the Article 14 and article 2 of Protocol 1 to the European Convention on Human Rights.

We also expect the Scottish Government to consider and advise what the legal liability of a university that charged a differential fee would be, in the event that the proposed Order was subsequently challenged successfully

#### **031 - UCU**

While UCU understand the concerns behind this decision we do not believe the answer lies in introducing a market for other UK students.

The present fee level was set after careful consideration by a working group bearing in mind the costs of studying in Scotland and including the probability of an extra year of study. This yielded consistency on the numbers of English students and ensured that extra funding went back into the higher education budget. Most importantly the extra funding received went into the overall pot with individual universities not gaining additional money for taking on RUK students. We believe that this criteria must remain to avoid a scramble to recruit RUK students which will no longer count in the overall capped student numbers. The proposal to have variable fees introduces a market for English students and a possible disincentive to recruit Scottish students particularly for social science and humanities. However, figure 1 shows that this may not be a possible outcome as most of the more expensive subjects either have controlled numbers or are priority subjects. Therefore universities cannot over recruit Scottish students into these areas as they would face fines.

Even if Scots do not lose out on places, extra recruitment of RUK students could have a detrimental impact on the student experience as the size of lectures and tutorials increases while access to tutors decreases. Further RUK students would believe they should have greater access due to the fees they will be paying while their classmates pay no fees.

Another element is the uncertainty introduced as universities establish fee levels. Set them too low and too many students could be recruited without the adequate resources to take on such an influx whereas if set too high universities run the risk of under recruitment and loss of funding. This chaos could continue for many years as universities strive to set the correct fee which could result in each year group paying a different level of fee.

The attached table shows the breakdown of UK undergraduate students by institution. Some universities, such as Edinburgh and in particular St. Andrews, which only has 50% of its UK students from Scotland, will have much reduced indicative student numbers thus radically altering the admissions process. Indeed they are likely to increase recruitment of English students at a high fee in order to increase income while Scottish students numbers are maintained decreasing not only the proportion of Scottish students but also those from state schools. Whilst other institutions, such as Strathclyde University and the University of the West of Scotland have less than 2% of their cohort from England. These institutions have much less scope to gain funds from RUK fees and would suffer cuts in funding if such fee. Another element is the present cost of courses based on an assumption of actual costs. Table 1 shows the difference between the present funding for each subject and the competitive fee level quoted in the consultation.

From this table it can be seen that institutions will gain funding by recruiting RUK students into humanities and social science while losing about £2 000 per student recruited into Science and Engineering subjects. Yet this consultation does not specify how universities will be compensated for recruiting RUK students into expensive subjects. This has implications for the impact assessment as the gender balance and socio economic mix is vastly different between subject groups.

There are unanswered questions in this limited consultation yet a considered response cannot be made to this initial step without the detail arising from these changes.

#### **034 – STUC**

The STUC is concerned about the mechanism for sharing the income that comes from RUK students throughout the sector. The consultation document makes reference to this as an aim and talks about how the SFC will ensure that this is shared. It is unclear, however, from the proposals how this will work in practice.

How this revenue is balanced across the sector is important when considering how this new approach will work in practice and whether it will be a successful model for funding the sector. It is already the case that universities in Scotland

attract quite different numbers of RUK students, in addition if the universities then set RUK fees at different rates this will affect the level of revenue that each university receives. How this variation in revenue is then balanced will be important for determining the long term effect on the sector that these changes will have.

It would therefore be useful to have further information on how the SFC will ensure that this revenue is shared for the benefit of the whole sector rather than individual institutions.

### **038 – ATL Scotland**

We would like to seek clarification on the issue of domicile for Scottish and RUK students. There is a significant cross-border flow within the independent school sector, particularly amongst students whose parent(s) teach at an independent school, which could leave individual students open to not qualifying for residency from any particular part of the UK over the three year period through no fault of their own. A reading of the explanatory notes accompanying the draft Order does not appear to allow for individual and specific circumstances to be taken into account.

### **040 – BMA Scotland**

#### **Fee level for Scottish domiciled students**

We are pleased that the intention is to protect Scottish domiciled students from increased tuition fees.

We also very much welcome confirmation that eligible full-time Scottish domiciled students will continue to have their tuition fees met by the Scottish Government through SAAS and these arrangements are not affected by the 2011 Order.

The lower fee levels for Scottish domiciled students should serve to make studying as a graduate more affordable, thereby supporting the Scottish Government's objective of promoting life long learning.

However, we remain deeply concerned that studying as a graduate is expensive; there is no grant support available and those studying for a second degree have to pay their tuition fee upfront, which puts them under considerable financial strain even before their course has commenced. These act as barriers to access for students from lower income households. As a minimum, we would support a fee loan being available for these students to enable them to defer the payment of their tuition fees, helping to make studying as a graduate accessible for all students.

As the higher fees brought in from 2006 were introduced following the introduction of top up fees

elsewhere in the UK and were aimed at stabilising cross board student flows, it is disappointing that the Scottish Government has not chosen to set the fee level for Scottish domiciled students at the previous

fee level of £1,285. This is the amount that Scottish domiciled students have continued to pay as they have been able to apply to SAAS for fee differential support. The proposed fee therefore represents a higher amount than Scottish domiciled students have previously been required to pay.

#### **'Relevant connection with Scotland'**

It is proposed that the 2011 Regulations which will come into force at the same time as the Order will amend the criteria students must meet in order to establish a relevant connection with Scotland, including that they must have been ordinarily resident in Scotland for a period of three years immediately preceding 1 August, 1 January, 1 April or 1 July closest to the beginning of the first term of the student's course, usually known as the 'relevant date'. If a student has not been resident in Scotland for this time, a Scottish university can set tuition fees for them in the same way as for RUK students.

This change would result in different criteria for domicile across the UK and we are deeply concerned that the implications of this change have not been fully considered. UK students could easily become ineligible for support from any UK funding body through no fault of their own. It is vital that all UK students can continue to apply for support and this will require the criteria for establishing a relevant connection with Scotland to be consistent across the UK.

It is also important that any changes to the residency qualification remain strictly focused on domicile and not on any notion of who is "Scottish".

## **QUESTION 5**

### **001 - University of Glasgow**

Please note comment above in relation to defining what it means to be Scottish.

### **010 – Equality Challenge Unit**

ECU recognises the efforts made by the Scottish Government to assess the impact of the suggested approach on people from groups protected under the Equality Act 2010. However, ECU believes assessing additional evidence would allow the impact on certain groups to be explored further and for appropriate action to be taken.

Additional evidence is required to adequately assess the potential impact on different racial groups, including different nationalities. While the key findings acknowledge that the proposal would involve RUK domiciled students being treated differently from Scottish domiciled students, it does not explore the makeup of Scottish and RUK domiciled students at Scottish universities. Data from the Higher Education Statistics Agency (HESA) reveals that the majority of Scottish domiciled students define their national origin as Scottish while RUK domiciled students are predominantly of English, Welsh and Northern Irish national origin. This means that students of English, Welsh and Northern Irish national origin will be disproportionately adversely affected by the proposal.

Furthermore, ECU recommends that the Scottish Government undertake further quantitative investigation to fully analyse the impact on black and minority ethnic groups. As outlined in the equality impact assessment, HESA statistics show that in 2009/10 10% of RUK domiciled students were from black and minority ethnic groups. Although more RUK domiciled students from these groups attended English universities, an increase in tuition fee levels for RUK domiciled students could nevertheless reduce the number of Black and minority ethnic students studying at Scottish universities.

### **002 - Queen Margaret University Edinburgh**

Although we note that you have considered the impact on female students in a number of ways, we wonder whether the impact on female dominated professions has been considered.

### **016 – Dundee University Students Association**

We believe that more detailed examination of the socio-economic impact of such changes is required, especially in terms of access to higher education for students from lower economic backgrounds.

### **017 – University of the West of Scotland**

Under Section 5 - Evidence - in the Equality Impact Assessment the assertion is made that “it is not anticipated that [RUK] students will have to pay more towards their tuition fees than they would to attend a University in their own country”. Unless Scottish Ministers constrain the maximum total fee chargeable by a Scottish University over the full duration of a degree programme to that for the equivalent in an RUK institution, that statement can only be verified on the basis of actual fee levels as determined on an annual basis by the Scottish Universities.

The section in the EIA on socio-economic impact provides evidence of the impact on equality groups of loan repayment thresholds. However, this section does not consider the potential deterrent impact of a perceived (as opposed to actual) increase of costs of studying for a degree on the decisions and behaviours of those from lower income groups. UWS would suggest that this potential impact on patterns of study choice by RUK students is monitored by the Scottish Government both relative to current such patterns but also to ensure that the socio economic mix of RUK students in future is broadly commensurate with that of Scottish and EU students in the Scottish HE sector.

### **018 – Aston University Birmingham**

It would also be advantageous for Scottish students wishing to study south of the border to be able to access scholarships, fee remission and/or fee loans as some courses are not offered in Scotland or have massive demand restricting access for Scottish students – eg Pharmacy, Medicine, Optometry, Speech Therapy.

The additional income generated from RUK and EU fees could be used to fund additional support for Scottish students who need to or wish to study outside Scotland.

Aston University has always welcomed applications from Scottish students with Scottish Qualifications, partly because some of the degree programmes offered at Aston are not on offer in Scotland, or places are severely limited. For example Aston’s 4 year sandwich degrees involving a professional year in industry are less prevalent in Scotland. In addition Aston’s professionally accredited degrees in Optometry and Pharmacy or specialist foreign

languages degrees in Translation Studies and International Business and Modern Languages are available at only one or two Scottish Universities.

As with most other English Universities this demand reduced after 2006 when the perceived Scottish fee differential grew. We would hope that Scottish students with specific career and study ambitions would not be dissuaded from studying in England because of the further increased perceived fee differential.

#### **019 - Alastair Robertson Higher Education Academy**

We would encourage the Scottish Government to undertake more analysis on the distribution of RUK students across Scottish HEIs and their provision. It is likely to be concentrated in a relatively small number of HEIs, particularly research-intensive and small and specialist institutions. This has implications for the impact of these proposals across the sector (beneficiaries and non-beneficiaries) and mechanisms for how any income may be re-distributed more evenly across the sector.

We would also encourage the Scottish Government to undertake further work on the impact of its proposals for students in Wales and, in particular, NI now that the proposals for future student funding policies in these two nations are now clearer. The number of NI undergraduate students in 2009-10 was >20 % of the RUK students studying in Scotland (4205 out of circa 20,000) which is significant and disproportionately high for its population compared with the RUK. The proposed future student funding policy for NI is significantly different to both England and Wales (NI students will be asked to pay approximately £4500 tuition fees to study in NI HEIs) and there is a concern that if Scottish Universities charge all RUK students the same level of fees then NI students will be disadvantaged by the Scottish Government's proposals. This is contrary to the statement on page 29 of the consultation *"it is not anticipated that these students will have to pay more towards tuition fees to attend a Scottish University than they would to attend a university in their own country."*

#### **020 – Heriot Watt University Student Union**

The IEIA notes that proposed changes to tuition fee levels and the student support system in England will have a socio-economic impact on RUK-domiciled students, but there is nowhere near enough information on this topic in the IEIA. As stated, the Equality Act 2010 does not require the Scottish Government to promote equality on the basis of socio-economic status. However, as the main ethos of the new system is to encourage as the same amount RUK students to study in Scotland, an impact assessment into the socio-economic status of the students who will come here is essential. Widening participation is integral to a fair university system, and students from all socio-economic statuses should be able to access university education in Scotland.

## **024 - University of Strathclyde Students Association**

Whilst the EQIA details the impact on various groups it does not clearly state impact on groups such as care leavers or students with dependants

## **031 – UCU**

Though all groups have been considered more evidence is required on the breakdown of those attending individual universities. This data can be obtained from the HESA statistics. It is likely that the demographics of RUK students will be very different for each institution and subject area. Hence using overall Scottish statistics does not give the full picture. For instance it has been policy to increase the number of students from state schools at St Andrews, Edinburgh and other institutions which have a high incidence of students from fee paying schools. As these institutions are likely to set the full fee due to high demand then they are more likely to encourage students who can afford these fees and put off students from state schools. At a stroke years of increasing access and changing the mix of these institutions will be undone.

## **034 – STUC**

The EQIA states that there is no differential impact on pregnancy and maternity as a result of this policy. The STUC is concerned that this area has not been subject to a full equality impact assessment.

The fee increases mean that the yearly cost of studying at university for RUK students is now very high. Consequently the penalty for deferring or repeating a year of study is much greater than before. Fees for part-time students are also not deferred and while the new system of student loans for these students will help meet the costs of tuition fees, there is no additional support for living costs for these students. There is a question, therefore, around how an RUK student who becomes pregnant in the course of her study will manage the demand between caring and studying, particularly if part-time study is not financially viable.

In addition the NUS in their parent-trap campaign looked at the availability of childcare at universities and colleges and found that because funding for childcare is discretionary in Scotland, it is often under threat when university and college budgets are put under pressure, as in the current climate. There are therefore clear issues that exist when considering the combining of study and caring which could be exacerbated for RUK students due to the increase in fee levels.

The STUC therefore believes that this policy should not be considered to have no differential impact on pregnancy and maternity and a full equality impact assessment of how this policy might impact on this area should be undertaken.

### **038 – ATL Scotland**

If the Scottish Government remains compelled to legislate for a deregulation of fees for RUK domiciled students then measures should be taken to ensure that Scotland does not become the most expensive part of the UK to study rather than the cheapest as is currently feared due to the four year degree system in Scotland as opposed to three years elsewhere in the UK.

We believe that the draft Order does not reflect the fact that RUK students would have to study for an extra year in Scotland as opposed to elsewhere in the UK therefore incurring additional costs. This in turn could make Scotland a more expensive option than the rest of the UK with the potential to dissuade them from studying in Scotland. We would like the Scottish Government to look again at the potential impact of the draft Order in light of this.

### **040 – BMA Scotland**

We support the principle of widening access to and participation in higher education. In particular, we believe in the policy objective of seeking to ensure as much as possible that the medical profession is as reflective of the diverse population that it serves. Entry to medical school should be based on aptitude rather than socio-economic background. We are concerned that plans for higher education to become more expensive for RUK students risk access becoming even less equitable and medicine even less representative. The potential implications on widening access to medicine for those from low income households of any increase in the number of international students at the expense of RUK places, and in the number of non-UK EU students at the expense of Scottish domiciled places, as a result of any plans to introduce 'quotas' also needs to be considered. While the consultation highlights that English domiciled students will be able to access central funding in the same way as English domiciled students attending universities in England, we are concerned that no consideration has been given to the access agreements universities in England have introduced. These provide fee waivers and enhanced bursary support which will increase support and reduce the costs for students from low income households studying in England. It is vital that any proposals by universities in Scotland to increase fees for RUK students are accompanied by significantly enhanced bursary support, otherwise there is a risk that the socio-economic impact will be greater in Scotland. As has been highlighted, it is important to consider the policies relating to tuition fees and student support in Northern Ireland and Wales.

It is important to carefully monitor the impact of any changes on equality groups. However, consideration also needs to be given to whether the changes could limit attempts to widen access from particular equality groups. It is not yet known what fee levels universities in Scotland will charge and how these may vary by institution and course. It is important that any shifts in course or institution choice by equality groups are fully monitored.

## **QUESTION 6**

### **001 - University of Glasgow**

Any alternative options would be complex but need to be considered.

**004 – [REDACTED]**

Instead of looking to implement new solutions that could be costly, look at what options/programmes/projects are in place and work hard to engage and work collaboratively with them. A for instance can be looked at as in a suggestion made in my 1st point in my comments re: the order as above.

**005 – [REDACTED]**

The Scottish Government could legislate to quota-control the amount of places available to RUK-students. This would protect places for students with a connection to Scotland.

**010 - Equality Challenge Unit**

To mitigate the adverse impact on RUK domiciled students disadvantaged backgrounds and from certain equality groups, the Scottish Government could set a requirement for universities to make efforts to widen access to their courses for RUK domiciled students of these backgrounds, similar to the requirement for English universities involving access agreements agreed with OFFA. This would mean these students would have the same opportunity to enter Scottish universities through widening participation routes as in England. The requirement to broaden access could also specify equality groups such as adversely impacted racial groups. This could limit the impact on access to Scottish universities by black and minority ethnic groups.

**014 – [REDACTED]**

Yes – scrap the proposal

**016 – Dundee University Students Association**

There must be a legal responsibility within the final Order that Universities who choose to charge more than £6,375 must provide bursaries and fee waivers in order to ensure university access is based on academic ability

**017 – University of the West of Scotland**

UWS would encourage the Scottish Government and SFC to monitor changes to flows in and profile of RUK students and to continue dialogue with the Universities about arrangements put in place to mitigate student financial hardship for RUK students. Clearly a single bursary system has the advantage of consistency and certainty from the perspective of a future learner. However, any such system would have to ensure that institutions with variable fee levels were not financially disadvantaged by the operation of such a system were one to be introduced.

**019 - Alastair Robertson Higher Education Academy**

Scottish HEIs are asked to charge RUK at differential rates for students domiciled in England, Wales and NI to reflect the different student funding policies in these nations.

**020 – Heriot Watt University Student Union**

Disabled students and BME students are routinely under-represented in university at the best of times. When we assess the figures which are

presented, we can see that RUK disabled and BME students are further under-represented in Scottish institutions. We believe that this student demographic should be positively enticed into higher education. We would like to see more fee waivers, bursaries and accommodation grants to help cover the cost of living in Scotland, alongside higher fees. This will help to ensure that numbers of disabled or BME students studying in Scotland does not dwindle.

### **031 – UCU**

We welcome the consideration of socio-economic impacts in the EQIA even though this is not required by the legislation. Those from financially disadvantaged backgrounds are more likely to be put off paying fees and taking on debt. This is recognised by the proposals in England which require universities to provide bursaries and increase access. This consultation lacks any such proposals and thus the impact of this technical measure will be detrimental to many students from disadvantaged groups or backgrounds.

### **034 – STUC**

The issue of how this policy works for part-time students and the opportunities that exist to move from part-time to full-time study or vice versa should be considered, particularly with regard to how this may affect protected equality groups.

### **038 – ATL Scotland**

The new fee regime in England and Wales included as part of the wider scheme a requirement on institutions wishing to charge more than £6,000 per year to submit an access agreement to the Office for Fair Access (OFFA) for approval, outlining how they will protect fair access to their institution for those from poorer backgrounds, with fee-waivers and bursaries required. However, in Scotland no such framework for fair access exists.

We do not wish to see students choosing their courses on the basis of price rather than quality or academic choice; nor indeed universities choosing students on the basis of differential market prices. We therefore believe that the proposals contained within NUS Scotland's submission in relation to wider access (fee-waivers and bursaries), plus flat-rate fees combined with variable teaching grants, are worthy of greater scrutiny to limit the degree of marketisation should the Scottish Government remains compelled to deregulate fees for RUK domiciled students.

### **042 – [REDACTED]**

Nobody could complain if it was free to everybody in the EEA, every other industry in Scotland would benefit; housing, hospitality, public transport, tourism, and so on,

## **QUESTION 7**

### **010 - Equality Challenge Unit**

While ECU agrees with the findings listed in the EQIA, we would recommend that the impact on different racial groups, including different nationalities and ethnicities, be explored further as outlined above.

### **020 – Heriot Watt University Student Union**

The statistics in the EQIA are robust enough, but as the evidence shows, disabled and BME students are already under applying for Scottish university places. This needs to be monitored effectively to ensure this demographic do not lose out when applying for a university place in Scotland.

### **024 - University of Strathclyde Students Association**

Whilst the report outlines the impact these changes would have it does not go far enough. These changes will affect not only young people but those who decide to study later in life e.g. mature students, postgraduate students, care leavers, FE students.

A further and more detailed equality impact assessment is required.

### **031 – UCU**

The findings in the EQIA are simply based on county comparisons on the proportions of students in each category and argues that the proposals will not adversely affect particular groups if the proportions are similar or less. This does not address the issue of whether the proposals will particularly impact on equality groupings. Therefore this is not an adequate EQIA since it should assess if particular groups are more likely to be affected by the proposals. The comparison with English students is also suspect as simply saying there are less ethnic minorities affected does not constitute an impact assessment. Further the initial assumption is that Scottish institutions will not charge more than in England. The Aberdeen University announcement shows that this assumption is misplaced.

### **034 – STUC**

The STUC was surprised to see the explanation of why this policy would be better for low earners within the EQIA. We realise that this information has been taken from the EQIA that was completed by the Department for Business, Innovation and Skills around the impact of raising fees to a maximum of £9000 for students attending university in England. What is unclear, however, is why the Scottish Government has accepted the assumptions underlying this equality impact assessment when applying this policy to RUK students in Scotland, when it manifestly rejected this argument when creating policy for Scottish domiciled students.

The EQIA rightly identifies that women, disabled people and BME people often earn less throughout their working lives due to the inequalities that exist in the labour market. It is, however, a perverse finding of the EQIA that this policy will make lower earners better off. It is true that the Westminster Government has proposed raising the threshold for when earners begin

repaying their student debt from £15,000 to £21,000 per annum. This therefore will have some benefit for those who never earn over the threshold of the new system but who would have earned over the threshold in the old system. For those that earn just over the new threshold, however, it is difficult to agree with the findings of the EQIA.

The repayments that those earning just above the threshold make will be lower but they will take place over a much longer period of time. Under the new system graduates can expect to leave universities in England with a debt of around £27,000 for their tuition fees alone which is likely to be around £40,000 when student loans covering living expenses are taken into account. RUK students who leave Scottish universities under the current proposals could potentially face a total debt of around £50,000 when the additional year is taken into account. Given that the Westminster Government has also proposed increasing the level of interest that needs to be paid on this debt the likelihood of a lower earner ever fully repaying their debt is quite low. Low earners will be paying this high level of debt back over the lifetime of their careers and will be approaching retirement age with repayments still being made in their monthly pay slips for the costs of undertaking their degrees.

The Scottish Government recognised the fact that this level of debt was not a desirable or appropriate position to put a generation of young workers into when it continued its support for free education for all Scottish domiciled students.

Once again the STUC realises that the Scottish Government needs to respond to the increase in tuition fees that is taking place in other parts of the UK. We do, however, believe that the policy response should be to create neutral fee rates with other UK jurisdictions as has been the case in the past.

We also believe that the Scottish Government should recognise that the position of RUK students at Scottish institutions is not the optimum and that these students are being treated less favourably than Scottish students. The STUC would argue however, that by keeping fee rates neutral the Scottish Government would not be actively treating these students less favourably, rather the less favourable treatment would be a consequence of the policy of their own Governments in their own administrations. It would therefore be the responsibility of these Governments to improve the situation of their own students and to provide the funding required for them to receive a good quality education without incurring tuition costs.

### **038 – ATL Scotland**

We disagree for the reasons set out in our response to questions 5 and 6.

## **QUESTION 8**

### **005 – [REDACTED]**

The statement in Question 2 that de-regulating fees will allow Scottish universities the flexibility to offer RUK-students courses on an equal basis, in terms of overall tuition fee costs is misleading. Scottish universities would not be subject to the same tuition fee caps that affect universities in the rest of the UK and so would be competing for these students on an unequal basis.

### **003 - University of Surrey**

A possible unintended consequence of the proposal relates to the stated aim to “maintain current levels of cross border student flows within the UK” and the impact of potential changes in how Scottish and non UK EU applicants will behave following the changes across the UK. Scottish domicile students, on the basis of cost, may be more likely in the future to seek places within Scottish Universities rather than cross the border; EU students may also see Scottish Universities preferentially to English Universities on the basis of cost. This combination could lead to increased competition for places at Scottish Universities from these groups, potentially reducing places available to English domicile students and thereby reducing the level of cross border flow in both directions.

### **004 – [REDACTED]**

It is good that there is the opportunity to respond with comments. The question remains however, just how much can respondents actually influence the decision makers?

### **008 – [REDACTED]The Society & College of Radiographers**

The Society and College of Radiographers welcomes the opportunity to respond to the Consultation on the Draft Fees (Specification) (Scotland) Order 2011 as there is radiography programmes running at three of the universities in Scotland- Glasgow Caledonian University, Queen Margaret University and Robert Gordon University. The Society and College of Radiographers represents diagnostic and therapeutic radiography students undertaking study at the three.

The Society and College of Radiographers would agree with the main policy drivers for the changes, especially the need to protect places for students who normally live in Scotland but RUK-domiciled radiography students- diagnostic and therapeutic- may be a student group affected by the proposed changes.

### **Response to consultation**

1. **From the Executive Note- List of Consultees-** there is an error with the entry for the ‘Society of Chiropodists and Podiatrists’ (SCP) on the list- it is wrongly entered as the ‘Society of Chiropodists and Radiographers’.

### **Background information**

I am responding on behalf of the Society and College of Radiographers and I would be happy to provide further support and information if required - see contact details as above.

The Society and College of Radiographers is the professional body and trade union for all members of the radiographic workforce in the UK. Membership of the organisation includes radiography students, radiography lecturers and radiographers as well as members of a number of other professions associated with the provision of diagnostic clinical imaging and radiation therapy/oncology services. The Society and College of Radiographers is the only body representing the whole of the radiographic workforce.

Radiography services occupy an ever-more central role in the development of healthcare. The disciplines of diagnostic and therapeutic radiography are required to keep pace with a significant increase in demand driven by the government-led initiatives and international trends.

The Society and College of Radiographers exists to promote the science and practice of radiography in the interests of furtherance of the profession and in the public interest, to support and promote education and research in radiography and to represent the interests of members of the radiographic community.

Thank you for this opportunity to comment on behalf of the radiography profession. You may publish this response on your website or in another format if you wish.

[REDACTED]

Professional Officer for Scotland  
The Society and College of Radiographers  
207 Providence Square  
Mill Street  
London  
SE1 2EW

### **010 - Equality Challenge Unit**

This consultation seeks to maintain the current levels of cross-border flow of students and opportunity of access to university places for Scottish domiciled students. Given that the new funding arrangements in England will impact on Scottish domiciled students, it would seem apposite for the Scottish Government to also reflect on its student support arrangements for these students so that they are not disadvantaged or discouraged from studying in universities in the rest of the UK

### **011 - Edinburgh University Students Association**

EUSA is concerned that the proposal would have a knock on effect on access to postgraduate courses and on postgraduate fee levels. Increasingly, a postgraduate qualification is advantageous for progression in a chosen career. However, the costs are already so high that postgraduate study is

often inaccessible for students from less affluent backgrounds. We believe that RUK students in Scotland would be discouraged from continuing onto postgraduate study if they were to graduate with higher debt. Furthermore, we are particularly concerned that universities would increase their fees for postgraduate courses as a result of increases in RUK undergraduate fees. Postgraduate students cannot apply for tuition fee loans and fees are already so high that any increase would further damage access for many students.

013 – [REDACTED]

### **Commission of the European Union v The Italian Republic (16 January 2003)**

\* European Court of Justice Case brought against Italy casts doubt on the legality of some discount schemes operating to the benefit of local residents

\* The Case is mentioned in the ODPM's guidance to local authorities on Charging for Discretionary Services

#### **Introduction**

The case, brought against Italy, casts doubt on the legality of some discount schemes operating to the benefit of local residents.

#### **Details**

The case was an application for a declaration that Italy was in breach of its obligations under Articles 12 EC and 49 EC by granting free admission to monuments, museums, galleries, archaeological digs, parks and gardens classified as national monuments to people of pensionable age. **The Court found that Italy was discriminating against nationals of other member states by restricting the concession to Italian nationals and persons resident within the territory of those authorities running the cultural sites in question.**

**The Case referred only to attractions run by decentralised (local) authorities, the Italian Government having moved at an earlier date to bring admission arrangements to national managed sites into compliance with the European law.** Two arguments were put to justify retaining the concession scheme for sites run by local authorities:

Firstly it was argued that free admission could not be extended to all comers in disregard of the economic consequences i.e that the authorities concerned could not afford it

Secondly the Italians argued that the concession afforded to Italian nationals was justified by reasons of 'cohesion of the tax system'. Simply put this meant that the concessions could be restricted to residents in consideration of them paying taxes to the authorities concerned thus contributing to the running of the sites.

Neither of these arguments was accepted by the Court since they did not fall within the derogations allowed under the Articles, namely, public policy, public security or public health. The first argument was dismissed on the grounds that aims of a purely economic nature cannot constitute overriding reasons in the general interest justifying a restriction of a fundamental freedom guaranteed by the Treaty. The tax argument did not hold up as there was no direct link between taxation and the preferential rates for admission. Moreover, the concession also discriminated against Italian nationals not resident in the area of the authority running the sites concerned, who were also liable to pay tax in Italy.

### **Implications**

The Case concerns monuments, museums, galleries, archaeological digs, parks and gardens classified as national monuments. In so far as any concessionary scheme relating to such attractions is concerned, it is clear that it cannot lawfully be restricted to residents of a particular local authority area. What is not so clear is how far the general principle extends to other facilities such as leisure centres.

Given the general nature of the arguments and the fact that ODPM refer to the Case as a precedent against discriminatory discounting arrangements it is not unreasonable to assume that discounts restricted to local residents are at least open to challenge. In the case of 'passport to leisure' type schemes such a challenge is highly unlikely to come from aggrieved tourists from other EU states. However, residents of neighbouring boroughs denied access to such schemes may have a Case.

### **015 – The University of Edinburgh**

The University of Edinburgh welcomes the Scottish Government's consultation document and the opportunity this provides to make a step towards finding a sustainable Scottish Solution for the future of higher education in Scotland. We endorse Universities Scotland's response to this consultation and would like to provide some additional input from Edinburgh's perspective.

Edinburgh accounts for just over 6,000 (32%) of the Scottish sector's approximately 19,000 full-time RUK-domiciled undergraduate students. Our RUK-domiciled population makes up around 40% of our total home/EU undergraduate population. It is therefore very important for us to find an effective way forward to funding the teaching of RUK-domiciled students that also ensures we can manage cross-border flows.

In its consultation published at the end of June 2011, HEFCE indicated that, under the new fees regime in England, it proposes to provide institutions in England with some funding for high-cost subjects. An illustrative figure of £10,000 is given for each student studying Price Group A (clinical and veterinary medicine) subjects. This would be in addition to the tuition fee level which is determined by each university.

#### **019 - Alastair Robertson Higher Education Academy**

The Higher Education Academy (HEA) supports the UK HE sector to enhance the student learning experience and promote excellence in learning and teaching. We recognise that funding arrangements for student fees in Scottish higher education must change and we welcome the Scottish Government's commitment to filling any funding gap which might arise in Scotland as a result of changes in policies in other parts of the UK, particularly England. We also welcome the Scottish Government's intention that the proposals should not adversely affect RUK students of their nation of domicile *"it is not anticipated that these students will have to pay more towards tuition fees to attend a Scottish University than they would to attend a university in their own country."* (page 29.)

*We note that "any savings to the Scottish Government resulting from changes to tuition fee arrangements specified in the 2011 Order will be re-invested in Higher Education in Scotland" (page 17) and "we will also create a mechanism through the SFC which ensures that the benefits of any increased income to the sector are shared widely across all universities."* (page 28).

The HEA would like any savings to the Scottish Government arising from these proposals to be directly re-invested (ring-fenced) into Scottish higher education learning and teaching rather than HE in general to increase the potential positive impact on the student experience in the sector. We note that a net saving to the Scottish budget is unlikely with an expected shortfall currently expected to be of the order of £200M + which cannot be filled by charging RUK students alone.

RUK students are not currently evenly distributed across Scottish HEIs and

their provision and this situation is very unlikely to change under the proposed changes to RUK student fees. There are, therefore, challenges for SFC to ensure that any income is shared widely across all HEIs and in achieving buy-in from institutions, particularly those which currently receive significant numbers of RUK students who may be reluctant to see a portion of their increased funding top-sliced to “subsidise” the rest of the sector. Focussing the redistribution of any increased income on learning and teaching development for the sector would be helpful and seen as beneficial for all institutions and their staff. This might include initiatives on teaching pooling, open educational resources , shared provision in particular subjects etc.

There is a risk that because of reductions in public funding, the level of competition between Scottish HEIs will increase. Scotland’s approach to quality enhancement in higher education is founded upon partnership and collaborative working which creates potential for future tensions and a risk to the sector. Brokering continuing collaboration, sharing of best practice and developing innovations in learning and teaching will be more important than ever in a reduced fiscal and globally-competitive environment.

The HEA provides support and leadership for the sector, as an independent champion and broker and we are keen to continue to work with the Scottish Government and SFC to support the implementation of policy objectives for the HE sector.

If we are also to continue to recruit RUK-domiciled students to strategically important high cost subjects, it is imperative that additional support is provided by the SFC to institutions in Scotland. Without such support, our teaching provision for medicine and veterinary medicine will no longer be viable. This is not just about Edinburgh’s competitive position in the context of our peers in England: it is essential to maintaining our breadth of provision as a globally significant institution which makes a huge contribution to the Scottish HE sector and to the Scottish economy. It is also an essential part of meeting the Scottish Government’s stated aim to “maintain the current level of cross border flow of students within the UK” At present, universities in Scotland receive a gross unit of resource for teaching (UTR) for each funded place for students domiciled in Scotland, the EU and the rest of the UK. This comprises SFC teaching grant (net UTR) and tuition fees. The 2010-11 gross UTR ranges from £4,190 for Social Sciences to £16,330 for Clinical Subjects. Subject full average costs of teaching a student (FACTS) data demonstrate that the full economic cost of teaching every student at Edinburgh is higher than the current gross UTR for their funded student place. This is in line with our very high quality provision, which is equivalent to that of our peer institutions in England

### **017 – University of the West of Scotland**

UWS recognises the need for the Scottish Government to take this action to achieve the policy intention to maintain current levels of cross border flows within the UK and thereby protect opportunities for Scottish domiciled students. The University supports these policy goals but is also concerned that the sustainability of the Scottish HE system is potentially compromised by the actions of the UK government as they affect RUK Universities.

Clearly the additional resources from this measure are needed to maintain the teaching unit of resource for Universities and so protect the quality of learning and teaching relative to institutions elsewhere. It is also important that the Scottish Government ensures that the Scottish Universities are protected from inflationary costs increases in order to maintain the value of that unit of resource in real terms. UWS hopes that, in the longer term, additional revenues for Scottish Universities, including from student fee income, will be used strategically within the Scottish HE sector to meet Scotland's economic, social and cultural priorities.

### **020 – Heriot Watt University Student Union**

We would have liked to have seen more information on the socio-economic make-up of RUK students who currently study in Scotland. It would be useful to see how many current students are from lower-socio-economic backgrounds, how many have accessed hardship loans and support, and dropped out of university before their degree had finished. This information is important so that we can assess how the proposed changes will impact on students after the changes have been implemented. However, if only the top socio-economic sector apply to come to Scotland to study, we also need to monitor and assess this.

Demand for higher education in the UK is extremely high. Demand exceeds supply year in year out. The increase in tuition fees in Scotland will inhibit mobility within higher education, especially for those from lower socio-economic backgrounds. The Scottish Government needs to guarantee that mechanisms are put in place to ensure that higher education is accessible to all RUK students.

In conclusion, we want:

- At least 20% of RUK tuition fees invested in fee waivers, bursaries and accommodation grants
- Maximum of £5,910 fees for RUK students per year
- No variable course costs
- Assurances that no students will be left in limbo and without funding

- Four year Scottish degrees protected
- Scottish Government to cover any additional fees associated with studying in England
- Surplus funds used for widening participation and improving the student experience
- Class sizes protected
- Socio-economic status of current students made known
- Incentives for RUK disabled and BME students to study in Scotland

## **021 – Edinburgh Napier University**

In our response to the consultation on the Scottish Government's Green Paper on Higher Education we broadly welcomed the proposal to adjust rest-of-UK fee levels at least to the extent necessary to control cross-border flows. We therefore welcome the early action which has been taken to address this issue. We agree that the proposals will protect places for Scottish domiciled students and will allow institutions to respond to developments in the rest-of-UK market according to the circumstances and competitive environment faced by each institution individually. We accept that allowing institutions the flexibility to set rest-of-UK fees is the best approach in a complex market where there are uneven patterns of demand for Scottish Higher Education across subjects and institutions and significant uncertainty about how patterns of demand may change in the future.

We recognise that the resources which may be freed up through de-regulation of rest-of-UK fees can make a contribution to protecting the quality and competitiveness of Scottish Higher Education generally. We strongly support the Scottish Government's declared intention that all institutions should benefit from the redistribution of these funds. We believe that a fair and transparent redistribution through the Scottish Funding Council's teaching grant is the right way to achieve this. If the proposed secondary legislation is passed, Edinburgh Napier University will wish to continue to reflect our commitment to widening access to Higher Education and our well established flexible admissions system in our approach to the rest-of-UK market as we will in the Scottish/EU and international markets.

## 023 – Universities Scotland

Universities Scotland welcomes the Scottish Government's early action to address this issue and recognises the necessity of this suggested approach of deregulating fees for RUK domiciled students. The arrangements proposed are in keeping with the principles Universities Scotland would want to see embodied in any fee arrangements for rest of UK students. These principles are that any such arrangements should:

1. Protect places for Scottish-domiciled students
2. Ensure Scottish universities can continue to welcome rest of UK students at manageable levels and, in doing so, can compete fairly with their English peers, and with one another, in order to secure additional income which might make a partial contribution to the Scottish Government's commitment to "fill any funding gap"
3. Deliver financial benefit to all universities in Scotland
4. As at present, institutions should receive in full the fee or SFC teaching funding associated with each individual student they teach
5. Clearly demonstrate that revisions make a contribution to addressing the funding gap across the sector

In relation to each of these principles:

1. Protect places for Scottish-domiciled students

Universities Scotland believes the Scottish Government's proposals support this principle as they will not create financial incentives for universities to recruit a rest of UK student instead of a Scottish student.

2. Ensure Scottish universities can continue to welcome rest of UK students at manageable levels and, in doing so, can compete fairly with their English peers, and with one another, in order to secure additional income which might make a partial contribution to the Scottish Government's commitment to "fill any funding gap"

Universities Scotland believes the suggested arrangements will assist in creating an environment that is sufficiently flexible to enable Scottish universities to continue to attract manageable numbers of rest of UK student and compete fairly with English peers in a complex market where there exists:

- Uneven patterns of demand for Scottish higher education between and across nations, subjects and institutions
- Comparable degree subject programmes *of equivalent length* in Scotland and in the rest of the UK
- Comparable degree subject programmes *of different length* in Scotland and in the rest of the UK
- Potential for entry with advanced standing (i.e. into year two of the four year Scottish degree) where students hold appropriate qualifications

- (e.g. A-levels)
- A significant diversity of support and fee arrangements for rest of UK students choosing to study either in the nation in which they are normally resident or elsewhere in the UK
  - A range of fee levels across institutions in England, Wales and Northern Ireland

Given this complex set of variables it would not be credible for the government to set a single fee for Scotland as has been done previously. Instead it is vital that Scottish universities be free to set their own fees. Providing institutions with this flexibility will mean institutions can set fees for 2012-13 with reference to historic patterns of demand and competitor behaviour, as well as enabling them to respond to future patterns of demand which are difficult to predict at this point in time.

As HEFCE will continue to provide some strategic teaching grant support for students studying particular subjects (including high cost subjects) it will be necessary to make some provision for such subjects in Scotland in order to sustain the existing subject breadth and expertise within Scotland, create an environment in which Scottish universities can compete fairly with their English peers and continue to offer the opportunity for students to travel between UK nations to pursue higher education. Should SFC choose to continue to fund postgraduate places for rest of UK students, the same principles (enabling our universities to continue to compete on a level playing field with English competitors and continue to offer the opportunity for students to travel between UK nations to pursue higher education) should apply.

It should be noted that, as one element of competing with English institutions and continuing to attract students from the rest of the UK, Scottish universities will be keen to explore the range of bursaries and other incentives they may be able to offer rest of UK students (particularly to those from more deprived backgrounds). Given the necessary pace of implementation if rest of UK students are to have reliable and timely information about fee levels for entry in 2012-13, Universities Scotland does not believe there is sufficient time available to aggregate information on bursaries and scholarships at a national level in this annual application cycle.

### 3. Deliver benefit to all universities in Scotland

Universities Scotland is of the view that delivering such benefit would be most simply and efficiently effected by the withdrawal of SFC teaching grant support for students from the rest of the UK, except where some remaining resource is deemed necessary to support high cost subject provision/maintain Scottish universities' ability to compete with English universities when they are recruiting to high cost subjects identified by government as strategically important to Scotland (this may extend to creative arts and conservatoire provision).

The teaching funding withdrawn from rest of UK students can then be retained within the university sector and redirected to increase the unit of teaching resource for funded places relating to Scottish and EU students. The priorities for the use of such redirected funds should be to implement the 2011-12 (and future) inflationary uplifts in the unit of resource for Scottish/EU funded places and to further raise the unit of the resource for this group and address the current under-funding in line with the known costs of provision (as evidenced by TRAC(T) data). Such investment is necessary in order to protect the volume and quality of opportunities available to Scotland's learners. Whilst Scotland's universities have worked to maintain opportunities for a single year despite funding cuts in academic year 2011-12, the sector has been clear that current levels of funding are not sustainable in the longer term.

Universities Scotland is strongly opposed to any other basis for redistribution as any such approach would not provide a similarly consistent level of benefit across all remaining Scottish/EU funded places (and thereby across all institutions). We take the view that any alternative criteria for the redistribution of funds for teaching would be counter to the consultation's stated aim "that the benefits of any increased income to the sector are shared widely across all our universities". Similarly, the work of the Joint Technical Working Group was explicit that its focus was limited to establishing the scale of the **teaching funding gap** between Scotland & England:

*In all our calculations we have only included teaching funding; research and capital funding are not taken into account.*

Universities Scotland is of the view that the initial priority for redistribution should be to address underfunding and related inflationary pressures on the teaching unit of resource and to contribute to meeting the teaching funding gap with English Universities. As such, the use of these redistributed funds for purposes other than to meet teaching costs for Scottish/EU students would run counter to the consultation document's assertion that "this is the first such initiative" toward meeting the established teaching funding gap and would not contribute to maintaining the quality and range of opportunities our universities can make available to Scottish domiciled students. By contrast, focusing resource increases on the unit of resource for Scottish and EU student places would deliver increased resource to universities in relation to both their Scottish/EU student population and via the opportunity to generate additional fee income from rest of UK student populations.

4. As at present, institutions should receive in full the fee or SFC teaching funding associated with each individual student they teach

In order to ensure continued appropriate accountability to all funders of undergraduate education, to facilitate effective institutional planning and sustain institutional sustainability, institutions should continue to receive in full the teaching income associated with the individual students they teach.

5. Clearly demonstrate that revisions make a contribution to addressing the funding gap across the sector

It will be important that the benefits arising from this proposed approach are clear and transparent to all parties. The use of redeployed SFC funds to benefit learners at institutions across the sector benefit should therefore be transparently demonstrated in the SFC's letter of grant and universities should report their aggregate income from rest of UK fees via the existing mechanism of their annual accounts.

#### **026 - Robert Gordon University**

We are aware of the response provided by Universities Scotland and are in agreement with it, subject to the comments under 4. above

#### **027 – Royal Conservatoire of Scotland**

If the Scottish Government wishes to retain and support a Conservatoire of international standing within Scotland, it is crucial that it continues to adequately fund the Royal Conservatoire of Scotland across all disciplines, whichever funding mechanism is adopted.

The Royal Conservatoire of Scotland notes the need for the Scottish Government to react to the decision to de-regulate tuition fees in RUK and its proposals for the removal of teaching grant funding for RUK students and the partial de-regulation of tuition fees for students in this category intending to study at a Scottish HEI. The Conservatoire presently selects from Home/EU student applicants solely on the basis of two criteria: talent and potential. The proposals will impact upon our future intake of students as the hitherto single Home/EU pool will become two with separate quotas being applied to each. This means that domicile within the UK will now become a factor in the selection process. If we are to remain a Conservatoire of international standing it is vital that we continue to attract a rich mix of high quality students from across the world, and this includes a significant proportion from RUK which, at present, comprise approximately 25% of our Home/EU population.

We note that, under the new fee arrangements in England, the English Funding Council will continue to provide teaching subsidy for those subjects which are known to be relatively expensive to deliver. We welcome the commitment by the SFC as expressed in its letter of 10 August 2011 to adopt a similar approach in Scotland. That issue is particularly important for the Conservatoire, as even the proposed upper limit of £9,000 would not cover the unit cost of delivery of our subjects.

One of the Government's key objectives is to ensure that Scottish HE does not become a cheap option for RUK domiciled applicants, thereby displacing Scottish domiciled applicants. The issue of Scottish HE also being seen as a cheap option relative to the rest of the UK for Scottish and REU domiciled applicants will also need to be considered. It is likely to result in an increase in applications from those groups which, in turn, will increase the pressure on existing places for Scots within Scottish HEIs. The provision of some additional funded places might need to be considered in order to ease that pressure.

The proposals indicate that, once deregulated, Scottish institutions will be able to recruit unlimited numbers of RUK students. It remains to be seen whether there will be funding from HM Treasury via the Student Loans Company to theoretically unlimited RUK students coming to Scotland and this will have to be carefully considered in modelling the impact on total HEI funding.

The scope for the Royal Conservatoire to increase RUK numbers significantly is, in any case, neither feasible nor desirable.

## **028 – University of Glasgow**

The University of Glasgow fully supports the response made by Universities Scotland. We would like to emphasise the following points:

- 1) Page nine of the draft Order states that fee for RUK domiciled students " of £6,375 [would represent] a competitive figure even once the extra length of the degree in Scotland is taken into account". This figure may represent a competitive price for students, however as shown by the recent Transparent Approach to Costing (TRAC) for Teaching, this does not represent the full cost of delivering the degree. It is important, particularly in higher cost subjects that SFC develops robust and fair mechanisms for bridging the gap between any capped fee and the actual cost of delivery.
- 2) There remains a high level of uncertainty as to how students will respond to the fee regimes being introduced by the four countries of the UK. Given that likely fee levels will not cover the full costs of teaching there is little financial upside if Scottish Universities are able to increase the total number of RUK students studying in Scotland. However if the total number of RUK students studying in Scotland decreases significantly, then there will be substantial financial loss across the sector – probably concentrated on a small number of Universities. If Universities are unable to bridge this gap from other funding streams (including the SFC) then they will obviously need to reduce costs. This may include reshaping of course provision.

### **029 – University of Aberdeen**

We recognise the necessity of the proposed approach of deregulating fees for RUK students, and believe that these proposals will assist Scottish higher education to remain competitive.

We highlight two issues in relation to the possible impact of the proposals as these are implemented:

1. Impact on individual institutions: We note from the Ministerial Statement that, in implementing the proposals, it is intended that additional income generated through deregulating RUK fees should benefit the whole of the Scottish sector. While we understand the rationale behind this approach, we would highlight that those institutions with the highest proportion of fundable students from the rest of the UK will have the greatest risks to manage in implementing the proposed changes. We would therefore ask that in implementing changes, work is carried out to ensure that the impact on individual institutions is manageable.

2. High-cost subjects: As HEFCE will continue to provide some strategic teaching grant support for particular subjects (including high cost subjects) it will be necessary to make some provision for such subjects in Scotland in order to that Scottish universities can continue to compete effectively. We stress the importance of the need for further consultation with SFC on the detail of the allocation method for strategic funding.

### **031 – UCU**

The order does not prescribe any legislation to govern fees levels for RUK students and assumes this will occur in a future bill. Further it does not state how numbers of RUK students will be controlled, if funding will be redistributed or how access will be maintained.

Without these details UCU cannot justify recommending acceptance of a system that is simply advocating an unconstrained market in RUK students.

Despite assurances that Scottish universities would show restraint it is obvious from the announcement by Aberdeen University that it is the first of many who will charge as high a fee as possible to maximise funding rather than simply limiting cross border flows.

### **035 – University of St Andrews**

The University welcomes the Scottish Government proposals and agrees that the new tuition fee policies introduced in the UK outwith Scotland have created at least two problems that need to be addressed in Scotland. One is the problem of a significant new flow of students domiciled in other parts of the UK into Scottish universities from 2012 if the fees in Scotland remain at current levels. This has the potential to put pressure on Scottish-domiciled students being able to obtain places in Scottish universities. The second

problem is that of maintaining the competitiveness of high-performing Scottish universities with similar universities in other parts of the UK which will see a significantly increased level of funding (resulting from the new £9,000 tuition fees) from 2012 onwards.

The University therefore agrees that Government proposals which exclude RUK-domiciled students from SFC funding arrangements from 2012 have the advantages of (i) ensuring that Scottish-domiciled student numbers in Scottish universities are effectively protected and (ii) giving Scottish universities the necessary flexibility to compete on a more equal footing with universities in other parts of the UK. Because of their diverse missions and course offerings, it is especially important that each Scottish university is able to set its own fee(s) for RUK-domiciled students and determine the numbers of such students to accept. Because of the importance of transparently showing to students how such fees are subsequently used to support and improve the student learning experience at each university, it is important that each Scottish university is able to keep and use the fees that it charges.

In order to attract students from the rest of the UK, and to do so in a way that continues to provide opportunities for access by students from more deprived backgrounds, Scottish universities will be designing a range of significantly enhanced entrant bursary packages. The University intends, however, also to enhance the bursary packages offered to Scottish-domiciled students.

### **036 – Glasgow Caledonian University**

1. Glasgow Caledonian University is a successful international university delivering access and excellence, with a strong commitment to the common good. Our mission as a University is to provide an outstanding inclusive learning environment underpinned by curiosity driven research allowing us to: share our knowledge and expertise; work in partnership with business, the professions and the public sector; create successful global graduates and citizens and deliver economic and social benefit for the communities we serve.
2. A Sunday Times Top 15 modern University and in the World Top 400 University rankings, we offer an excellent learning environment to the 17,000 students on our campus in Glasgow and to our students studying on our campuses in London, Oman, China and Bangladesh. An independent study by Biggar Economics found that Glasgow Caledonian University boosts Scotland's economy by £406 million every year, and that £230 million of this directly benefits the city of Glasgow.
3. The majority of our programmes are accredited by professional bodies and include work placement opportunities, ensuring that our students develop the key skills and attributes which employers require in a wide range of disciplines from accountancy to engineering. We are also one of the largest providers of health-related graduates to the NHS, developing high-level skills for a wide range of professionals including optometrists, nurses, radiographers, and physiotherapists. In its recent institutional review, the Quality Assurance Agency awarded the University the highest judgement it can award in its

regular reviews of academic quality standards in universities and colleges across the UK.

4. We welcome the Scottish Government's recognition of the need to address the fee arrangements for students from the rest of the UK who chose to study in Scotland, following the significant changes to fee arrangements in England and the increasing divergence of higher education policy across the UK.

5. We agree that the approach to deregulating fees for RUK domiciled students proposed by the Scottish Government will act to protect places for Scottish-domiciled students.

6. We also agree that excluding RUK domiciled students from the current arrangements by which Scottish Ministers set tuition fee levels and enabling Scottish universities to set their own tuition fee levels for RUK students will allow Scottish universities increased flexibility to admit manageable levels of RUK students and compete with institutions from across the UK.

We recognise however that we are operating in a period of significant change and fluctuation in UK higher education, and we believe the flexibility offered to institutions by the Scottish Government's proposals will assist in positioning Scotland's universities to be adaptable to change whilst making a contribution to filling the existing gap in teaching funding.

7. Alongside all Scottish universities, Glasgow Caledonian University will give careful

consideration to the level of fees which we set for RUK students for 2012-13, based on the high quality of our programmes, the costs associated with delivery of research-informed teaching, the diverse provision across the UK, and current and projected patterns of student demand. We are committed to widening access, and alongside setting fees for RUK students we are developing a range of substantive bursaries and scholarships to offer rest of UK students.

8. Glasgow Caledonian University has a tradition of widening access to higher education for talented individuals regardless of their backgrounds - 35% of our full-time undergraduate students are from disadvantaged backgrounds, compared to the Scottish average of 26%; 96% come from state schools; and 73% are the first in their family to attend university (HESA, 2009-10). Our achievements in widening access are widely recognised, and we were proud to be awarded the UK Widening Participation Initiative of the Year by the Times Higher Education. Our commitment to supporting all of our students is demonstrated by our high

completion rates which compare favourably with other universities. Our approach to access encompasses students from our local communities in Glasgow and Scotland as well as students from across the world to whom we offer scholarships and exchange opportunities.

9. We strongly support the Cabinet Secretary's commitment to ensuring that the benefits of increased income to the sector should be shared widely across all of Scotland's universities. We believe the SFC resource relating to teaching funding withdrawn from rest of UK funded places should be redirected to increase the unit of teaching resource for funded places for Scottish and EU students. Like other Scottish universities, we have worked hard to maintain opportunities for students for academic year 2011-12 against significant cuts teaching funding. We take a unified view with the sector that current levels of funding are not sustainable in the longer term, and that failing

to redress the cuts in teaching funding would have a negative impact on access for learners to a high quality student experience and would be detrimental to the volume of opportunities available to learners in Scotland.

10. We believe that it is essential that universities are in receipt of the full teaching income associated with each individual student that they teach. We look forward to receiving clear and transparent information about the use of redeployed SFC funds for sector-wide benefit from the SFC and appropriate guidance in the SFC's letter of grant for 2012-13.

11. In conclusion, we believe that a sustainable funding model for Scottish higher education will enable Scotland's universities to enhance the social and economic contribution which they make within their communities; their ability to deliver for business and the public sector through learning and teaching, research and innovation; and the key role which universities play in promoting Scotland internationally. The proposals set out in the consultation on the Draft Student Fees (Specification) (Scotland) Order 2011 represent a key step in the development of a sustainable funding model for the future.

Glasgow Caledonian University  
1 September 2011

### **038 – ATL Scotland**

We would reiterate that we recognise this situation is not of the Scottish Government's making and we pledge to play a constructive role in devising an equitable and sustainable solution to the problem. We welcomed and indeed supported the Scottish Government when it abolished the Graduate Endowment Fee. We hope that in the same manner we will be able to welcome and support the measures taken by the Scottish Government when it announces the outcome of this consultation on the draft Order.

### **039 – University of Abertay Dundee Students Association**

This response purposefully targets the deregulation of RUK fees proposition as the key issue in this consultation. At UADSA, we support the moves taken by NUS Scotland on this matter and will also stand against moves proposed by the Scottish Government that we feel will ultimately damage the quality of education provided in this country and at our institution.

### **040 – BMA Scotland**

#### **Timescale**

The legislation is intended to be in place by the end of 2011 and the arrangements introduced from 2012– 2013. As prospective medical students will need to apply for next academic year from September 2011, it is vital that universities are clear and unambiguous about the tuition fees they intend to charge as early as possible, pending the legislative changes.

We have serious concerns that this consultation is setting out fundamental changes to higher education funding, yet very little detail has been provided on how arrangements will be implemented and discussions are still taking place which has made it difficult to comment fully. While we are aware of the need for an ambitious timetable to coincide with the changes planned

elsewhere in the UK, it is imperative that any changes to tuition fee arrangements and funding for the higher education sector are fully thought-out and that careful consideration is given to the long term impact any changes made now will have on the future of the sector.

### **Scottish domiciled students studying elsewhere in the UK**

Although outwith the scope of this consultation, it is vital that the Scottish Government continues to support Scottish domiciled students who study elsewhere in the UK. We would be grateful for assurances that these students will be able to access tuition fee loans to cover the cost of their tuition fees which could be up to £9,000 a year.

### **Scottish Government Health Directorates Bursary**

In England, the government has announced that all English domiciled medical students starting their course in 2012 - 2013 will continue to have their tuition fees paid through the NHS Bursary from their fifth year onwards. As no changes have been announced by the Scottish Government we assume that it will continue to provide this support for Scottish domiciled medical students studying in the UK.

### **042 – [REDACTED]**

Just that, I am serious! You should propose funding all university education in Scotland through a mixture of government and private funding.

Some people will argue that materials and buildings can't be advertised on and sponsored, but people are used to it now! It's the backbone of the sporting industry for example. It can be done elegantly as well. All 'Nike' for example would need is plaque here or there on a sports building, or a logo on a piece of equipment.

It would make Scotland an amazing place!

Edinburgh used to be called the Athens of the North, can we still say that? Well yes, but do we have competition the title? Yes, we do!

What I propose is to make Scotland famous for Education again, and by doing so attracting a wealth of students and teachers to the country from across Europe and around the world.

Sorry if my reply is late.

Yours sincerely,

[REDACTED]  
([REDACTED])

[REDACTED]

### **043 - UCAS**

The timetable for introducing the new RUK tuition fee policy for year of entry 2012 could pose challenges for learners, institutions and UCAS. The application process for 2012 entry is already open. The deadline for applications for medicine, dentistry and veterinary science is 15 October 2011 and institutions will be making offers to students from then onwards. The main deadline for subject areas is 15 January 2012. As such, UCAS would wish to encourage the swift conclusion of tuition fee policy debate, and encourage all Scottish higher education providers to agree and notify UCAS of their fees for RUK students for 2012 as soon as possible. As soon as the fees information is available it will be included in UCAS Course Search, the main online service used by individuals researching their higher education course options.

#### **044 – University of Stirling**

The University of Stirling endorses the comments made by Universities Scotland in its response to this consultation, as repeated below:

“Universities Scotland welcomes the Scottish Government’s early action to address this issue and recognises the necessity of this suggested approach of deregulating fees for RUK domiciled students. The arrangements proposed are in keeping with the principles Universities Scotland would want to see embodied in any fee arrangements for rest of UK students. These principles are that any such arrangements should:

1. Protect places for Scottish-domiciled students
2. Ensure Scottish universities can continue to welcome rest of UK students at manageable levels and, in doing so, can compete effectively with their English peers, and with one another, in order to secure additional income which might make a partial contribution to the Scottish Government’s commitment to “fill any funding gap”
3. Deliver financial benefit to all universities in Scotland
4. As at present, institutions should receive in full the fee or SFC teaching funding associated with each individual student they teach
5. Clearly demonstrate that revisions make a contribution to addressing the funding gap across the sector

In relation to each of these principles:

1. Protect places for Scottish-domiciled students

Universities Scotland believes the Scottish Government’s proposals support this principle as they will not create financial incentives for universities to recruit a rest of UK student instead of a Scottish student.

2. Ensure Scottish universities can continue to welcome rest of UK students at manageable levels and, in doing so, can compete effectively with their English peers, and with one another, in order to secure additional income which might make a partial contribution to the Scottish Government’s commitment to “fill any funding gap”

Universities Scotland believes the suggested arrangements will assist in creating an environment that is sufficiently flexible to enable Scottish universities to continue to attract manageable numbers of rest of UK student and compete effectively with English peers in a complex market where there exists:

Uneven patterns of demand for Scottish higher education between and across nations, subjects and institutions

- Comparable degree subject programmes of equivalent length in Scotland and in the rest of the UK
- Comparable degree subject programmes of different length in Scotland and in the rest of the UK
- Potential for entry with advanced standing (i.e. into year two of the four year Scottish degree) where students hold appropriate qualifications (e.g. A-levels)
- A significant diversity of support and fee arrangements for rest of UK students choosing to study either in the nation in which they are normally resident or elsewhere in the UK
- A range of fee levels across institutions in England, Wales and Northern Ireland

Given this complex set of variables it would not be credible for the government to set a single fee for Scotland as has been done previously. Instead it is vital that Scottish universities be free to set their own fees. Providing institutions with this flexibility will mean institutions can set fees for 2012-13 with reference to historic patterns of demand and competitor behaviour, as well as enabling them to respond to future patterns of demand which are difficult to predict at this point in time.

As HEFCE will continue to provide some strategic teaching grant support for students studying particular subjects (including high cost subjects) it will be necessary to make some provision for such subjects in Scotland in order to sustain the existing subject breadth and expertise within Scotland, create an environment in which Scottish universities can compete effectively with their English peers and continue to offer the opportunity for students to travel between UK nations to pursue higher education. Should SFC choose to consider funding of postgraduate places for rest of UK students, the same principles (enabling our universities to continue to compete on a level playing field with English competitors and continue to offer the opportunity for students to travel between UK nations to pursue higher education.

It should be noted that, as one element of competing with English institutions and continuing to attract students from the rest of the UK, Scottish universities will be keen to explore the range of bursaries and other incentives they may be able to offer rest of UK students (particularly to those from more deprived backgrounds). Given the necessary pace of implementation if rest of UK students are to have reliable and timely information about fee levels for entry in 2012-13, Universities Scotland does not believe there is sufficient time available to aggregate information on bursaries and scholarships at a national level in this annual application cycle.

### 3. Deliver benefit to all universities in Scotland

Universities Scotland is of the view that delivering such benefit would be most simply and efficiently effected by the withdrawal of SFC teaching grant support for students from the rest of the UK, except where some remaining resource is deemed necessary to support high cost subject provision/maintain Scottish universities' ability to compete with English universities when they are recruiting to subjects identified as strategically important to Scotland.

The teaching funding withdrawn from rest of UK students could then be redirected to increase the unit of teaching resource for funded places relating to Scottish and *EU students*. *The priorities for the use of such* redirected funds should be to implement the 2011-12 (and future)

## **RESPONSES WITHOUT RIF**

### **025 – NUS**

Rest of UK-domiciled tuition fee proposals – our objections

We have major concerns regarding the Scottish Government's proposed reforms to tuition fees for rest of UK-domiciled (RUK) students studying in Scotland.

We recognise the UK Government's decision to treble fees for students studying in England as not only a huge betrayal of students (from all parts of the UK and beyond) that wished to study there, but also a challenge for the Scottish Government too. Doing nothing and leaving the system as it was could have led to unmanageable demand from RUK students for Scottish universities. However, while a decision was forced upon the Scottish Government we believe these proposals represent the wrong decision. We are not convinced that increasing fees is the only option to manage demand from RUK students and we are certain that introducing a variable market in RUK tuition fees, together with a fee cap that could in effect make Scottish degrees the most expensive in the UK, is entirely unnecessary.

Opposition to increasing fees for RUK students As stated, NUS Scotland is opposed to tuition fees in Scotland regardless of where you come from. We therefore cannot support moves to increase RUK fees. An alternative approach would build on the Scottish Government's own proposals. One of the main aspects of the Scottish Government's proposals is the removal of RUK students from the places funded by the Scottish Funding Council (SFC) each year. Each year the SFC sets a number of funded places in Scotland and allocates these places to institutions. Institutions are asked to deliver their allocation with certain flexibility above and below. If an institution over-recruits or under-recruits beyond this lee-way they will be fined by the SFC. Following the Scottish Government's proposed changes these funded places would only be for Scottish and EU students, leaving RUK student numbers unregulated. Therefore, the SFC funded places now act as a quota of Scottish/EU students that institutions have to deliver, protecting Scottish/EU students from fluctuations in demand from the rest of the UK.

Now that it is clear that a quota is possible for numbers of Scottish and EU students in Scotland, raising fee levels for RUK students is unnecessary to manage demand. £9,000 fee cap level

Regardless of our opposition to increasing RUK fee levels, we firmly believe that a cap of £9,000 per year in Scotland is too high, and goes beyond even the reforms seen in Westminster. The vast majority of degrees in Scotland are usually four years in length, with the equivalent degree in England usually three years. While the fee cap level in England will limit the cost of a degree ordinarily to £27,000, in Scotland most degrees could cost up to £36,000. This could make degrees in Scotland the most expensive in the UK.

The Scottish Government should look again at the level of fee cap and reduce it to ensure that the cost of a degree in Scotland is comparable to the cost of a degree in England. A fee cap of a maximum of £6,750 would at least match the cost of most degrees in England (at £27,000) but given our opposition to increasing fees at all, we would like to see a cap lower than this and as low as possible for example to match the average spend of £7,8811 (a Scottish fee of around £5910 per year).

This consideration does not take account of the increased costs of living in Scotland and the higher living costs of a longer degree, both of which increase the cost to an RUK student of taking a degree in Scotland.

Variable fees – introducing a market into Scotland

We are fully against the marketisation of education in Scotland and across the UK. Education is not a commodity to be bought and sold, and a market would force students to make decisions on the basis of price rather than quality or academic choice. The Scottish Government's consultation on this issue takes a similar view in reference to leaving RUK fees at their current level, stating "it [keeping fees at their current level] would also result in many students making one of the most important decisions they will face based on cost rather than the academic benefit of a particular course at a particular institution and how the resulting degree might support their chosen career path."

By removing RUK students from funded places, Scottish and EU students are protected from peaks in demand from RUK students and as such, as with increasing fees in general, we see no justification for introducing a market into Scottish higher education for RUK students.

Furthermore, we believe this could have serious unintended consequences. Introducing a market for RUK student fees moves the principle behind delivery of higher education away from the cost of teaching the subject to the market value of the place at the institution. Higher reputation institutions will be able to charge RUK students fees far in excess of the cost of delivering the course for some subjects, while for other courses even a £9,000 fee would not necessarily recoup their full costs.

While in principle, again, we fully oppose this variability, in practice it could mean that the income which can be generated by institutions from bringing in RUK students will be greater than income from Scottish/EU students in some subjects and less in others. Students sitting side by side will have different "prices" hanging over their heads which we believe in the medium term could begin to alter institutions' choices when it comes to placing students and when it comes to maximising their income. This could potentially risk squeezing Scottish students out of certain courses at certain institutions.

A flat fee would ensure the “price” of a Scottish student was equal to other UK and EU students, through adjustments to the teaching grant, ensuring that many of these perverse incentives could be avoided.

#### Protecting access – fee-waivers and bursaries

In England, institutions wishing to charge more than £6,000 per year have to submit an access agreement to the Office for Fair Access (OFFA) for approval, outlining how they will protect fair access to their institution for those from poorer backgrounds, with fee-waivers and bursaries required. However, in Scotland no such framework for fair access exists. Alongside the level of the RUK fee cap, this is another way in which the proposed new Scottish system poses a greater risk to fair access even than the system in England.

The Scottish Government should act to ensure that we have a strong bursary/fee-waiver system in place in Scotland for RUK students, reinvesting some of the huge sums of money being taken from RUK students in additional fees back into protecting access for the poorest. In the Annex to this response we have outlined some principles which could form the basis of a Scottish system of feewaivers/ bursaries for RUK students.

#### Other concerns

##### Admissions criteria

We believe that there is a risk that uncapping numbers for RUK students while retaining a quota for Scottish/EU students could have unintended consequences around admissions criteria. Where demand is high for an institution or subject among Scottish and EU students, institutions may need to increase the admissions criteria to manage demand. However, with unlimited places available for RUK students they would not need to do likewise. In effect, this could mean a student from Scotland could be rejected for a high demand institution or subject while an RUK student with lower grades, provided they are willing and able to pay fees, could access a place at the same institution or to study the same subject. This could be particularly problematic when it comes to distributing clearing places.

While there are some suggestions that equalities legislation could prevent this from happening in the extreme and furthermore, institutions do need to keep the quality of their graduates high, there is nothing within the current system to stop it influencing admissions criteria in a way that develops lower criteria for RUK students compared to Scottish and EU students.

##### Scottish and EU students squeezed out

The current system prevents Scottish and EU students from being squeezed out where institutions face high demand from RUK students by introducing, in effect, a quota of Scottish and EU students that institutions have to deliver. However this quota applies only at the institution-wide level and, as such, little can be done to protect numbers of Scottish and EU students at the subject or course level.

The risk of the proposed system in this regard is that students will have differing “prices” on their heads with some subjects seeing institutions able to receive higher amounts for an RUK student compared to Scottish/EU (and potentially vice versa). For example, as proposed an institution would receive just under £6,000 to teach a Scottish Social Sciences student and around £17,000 to teach a Scottish Veterinary Studies student. Under the proposed system an English student could attract a maximum of £9,000.

A system in which Scottish and EU students represent a different income to institutions than RUK students studying the same subjects could, over time, create incentives for institutions to maximise the number of RUK students in subjects for which Scottish students carry a low price (for example Sociology), squeezing Scottish students out, and conversely it could create incentives to maximise the number of Scottish students in higher priced subjects, like Veterinary Studies, squeezing RUK students out (although it remains unclear how much of the teaching grant will remain for RUK students in high cost subjects).

Moving to a variable fee system means that Scottish/EU students will have different values from an institution's perspective to RUK students. Moving, instead, back to having a flat fee for RUK students would ensure income for Scottish, EU, and RUK students could continue to be equalised.

#### HNC/HND RUK fees

We understand that the proposed changes to RUK student fees will affect students across HE. While much attention has been on the impact of these changes for RUK university students, as they stand, the proposals will also affect RUK students at college studying for an HNC or an HND. It is unclear at this stage how these proposals could be implemented in the college sector.

It should be noted that the number of RUK students currently studying HE in college is incredibly small (75 according to last year's figures). However, the new RUK fee regime could affect these numbers, particularly as HE delivered by colleges in England may become more popular in the face of fees of up to £9,000 in universities.

We believe HNC and HND courses should be exempt from these changes, with the current fee structure being retained for HNC and HND in college. Given the numbers involved, the Scottish Government can afford to take the time to continue with the current regime and monitor any potential positive or negative impacts as they arise.

#### Domicile test

As part of the Scottish Government's proposals for RUK fees the domicile test for Scottish residency will be tightened to require UK citizenship and three years of residency in Scotland (unless you are from an EU country). We have concerns that unless this dovetails with equivalent criteria used in the rest of the UK, students (from Scotland or elsewhere) could find themselves in limbo, not qualifying as Scottish-domiciled in our system but equally, not qualifying as Welsh, Northern Irish or English-domiciled for the purposes of their systems.

Currently, criteria across the UK are unified. In Scotland, for example, a student needs to be a UK citizen and to have been "ordinarily resident" in the UK for three years. Furthermore, you must have been "ordinarily resident" in Scotland, for purposes other than education, on the "relevant date" before your course starts. The "relevant date" for most students starting in September would be 1<sup>st</sup> August. The equivalent is true in the rest of the UK.

Under the new proposals, with criteria now requiring Scottish residency for three years (rather than just UK residency), a series of anomalies could develop. For example, a student born in Scotland whose family moved to England for a year when they were 16, only to return to Scotland for sixth year, could find themselves with no system taking responsibility for them. The

student in question would have been born in Scotland, would have spent all but one year in Scotland and in Scotland's education system, but because for one of the last three years they were "ordinarily resident" in England they may not qualify as Scottish-domiciled. However, at the same time, because they were ordinarily resident in Scotland for their sixth year, they would not qualify as Welsh, Northern Irish or English-domiciled either.

This anomaly must be cleared up to ensure that no UK student, whether Scottish born or otherwise, falls between the differing higher education systems in the UK.

#### Suggested improvements

As stated above, we oppose the increase in fees for RUK students. However, we also wish to engage constructively to improve the current proposals as they stand.

##### 1. Flat RUK fees – no variability

We believe fees for RUK students in Scotland should be flat, regardless of whether the Scottish Government makes the decision to increase them or not. The Scottish Government, in introducing what is, in effect, a quota for Scottish and EU students that Scottish institutions have to meet, has shown that regardless of fee levels increasing and becoming variable in England, Scottish student numbers will be protected. This means variability is not required to manage demand from RUK students. A flat fee when combined with an adjustment in the teaching grant would ensure that regardless of what happens in England, Scotland can choose to avoid the marketisation of education. Equally, it would allow the SFC to ensure that the income generated by an RUK student is always matched by the public funding provided for Scottish and EU students. This is important to avoid the possibility of

Scottish students being squeezed out at the subject level.

##### 2. Reduce the maximum fee cap

As stated a £9,000 fee cap could allow Scottish degrees to be the most expensive in the UK, going further even than the changes seen in Westminster. A fee cap of a maximum of £6,750 would at least match the cost of most degrees in England (at £27,000) but given our opposition to increasing fees at all, we would like to see a cap lower than this and as low as possible for example to match the average spend of £7,8813 (a Scottish fee of around £5,910 per year).

##### 3. Introduce minimum standards on fee-waivers and bursaries

We believe the Scottish Government must introduce measures to ensure that those institutions charging RUK fees have sufficient systems in place to protect widening access. Institutions in England have to provide fee-waivers and bursaries and we would call strongly for measures in Scotland too.

Our suggestions would range from a minimum amount of RUK fee income that institutions must spend on bursaries/fee-waivers through to a "Scottish offer" of bursaries, providing clarity for prospective RUK students as to what would be on offer if they choose to study in Scotland (e.g. the "Scottish offer" could be 5,000 bursaries of £10,000 each, available to RUK students with income below £30,000 per year). This could protect widening access from the rest of the UK, try to maintain

an element of fairness in the system but also it could help to repair some of the reputational damage to Scottish institutions caused by the proposed RUK system, helping the recruitment of RUK students throughout the income bands.

#### 4. Exclude HNCs and HNDs from the RUK fee changes

As stated above, as drafted the order will apply the new system to RUK students studying for an HNC or HND at college as much as to RUK students studying at university. Only 75 RUK students studied for an HNC or HND in Scotland last year and we therefore believe the upheaval of imposing a new charging regime on colleges and students is not justified. Given the small numbers involved the Scottish Government can afford to take the time to keep the current system in place for HNC and HND RUK students, avoid upheaval for colleges and students, and monitor any changes to demand.

#### 5. Reassurances around admissions and the new domicile test

As stated above it is imperative that the proposed changes to tighten the Scottish-domicile test do not leave any UK student caught in limbo between the different tests in place across the UK. Equally, we would like to see reassurances that our concerns are ill-founded regarding the prospect of different admissions criteria being put in place for RUK students and Scottish/EU students in response to high demand at particular institutions or for particular subjects.

#### Conclusion

We are fully opposed to tuition fees in Scotland and so do not support the proposed increase in fees for RUK students. Beyond this we believe variability is entirely unnecessary and could create perverse incentives which damage Scottish students' prospects. The proposals as they stand go beyond even what the Westminster government has proposed in two key ways: a £9,000 fee cap that could make

Scottish degrees the most expensive in the UK, and a system without a requirement for fee-waivers and bursaries to protect widening access for RUK students.

While we oppose these proposals, we are still willing to engage constructively and propose five ways they could be improved:

1. Keep flat rates of RUK fees – reject variability, keep parity between Scottish and RUK students
2. Reduce the maximum fee cap from £9,000
3. Introduce minimum standards on fee-waivers and bursaries for widening access
4. Exclude HNCs and HNDs from the RUK fee changes
5. Provide reassurances around admissions and the new domicile test

Getting the system right for RUK students in Scotland is absolutely crucial for institutions, students and the sector as a whole. By making progress in these five areas we can find a far better way to respond to the tuition fee system being implemented in England. While this would not go the full way as we would wish, and avoid a fee increase altogether for RUK students, this would make substantial improvements to the proposed arrangements for all.

For more information contact Russell Gunson, Head of Policy and Public Affairs, NUS Scotland on [REDACTED][@nus-scotland.org.uk](mailto:[REDACTED]@nus-scotland.org.uk) or 0131 556 6598.

## Annex – RUK fee-waivers and bursaries

This annex outlines some ideas to improve the proposed changes for RUK tuition fees through the provision of bursaries and fee-waivers.

The stated aim of the proposed system of RUK fees in Scotland is to bring equivalence with the system being introduced in England. However, while in England institutions who charge over £6,000 tuition fees will need to provide a fee-waiver and bursary system approved by the Office for Fair Access (OFFA), in Scotland there is no requirement on institutions recruiting RUK students to do likewise.

We believe this is a weakness of the proposed system. Improving the bursary and fee-waiver element of the proposed system could bring opportunities for the Scottish Government and universities in Scotland in three ways: improved widening access rates, reverse damage to the reputation of Scottish institutions among prospective students in the rest of the UK, and mitigate potential recruitment problems of RUK students for Scottish universities.

### Aims of a better fee-waiver/bursary system

#### Widening access

NUS Scotland's main concern regarding the RUK fees proposals is around widening access. By increasing fees, and introducing a market, we believe students from the rest of the UK could be forced to make academic decisions on the basis of price rather than quality. By ensuring that there are strong access arrangements we can ensure that access for RUK students is kept as fair as possible, ensuring that as far as possible students from the Rest of the UK can choose to study at Scottish universities because of their ability and potential rather than their ability to pay. This, combined with work to promote widening access across the student body at Scottish institutions could help to deliver the Scottish Government's stated aim in this area.

**Reputation** We believe the decision to increase rest of UK fees in Scotland was forced upon the Scottish Government by the changes seen in Westminster. However, moves to charge English, Welsh and Northern Irish domiciled students up to £9,000 per year while Scottish and EU students are not charged any fee leads to the accusation among prospective students in the rest of the UK, and their families, that the system in Scotland is unfair. This has led to charges that RUK students are being used as "cash cows". We believe this reputational damage could harm Scotland's universities.

By introducing strong bursaries and fee-waivers, particularly in a tangible and understandable way for those in the rest of the UK, the Scottish system could address some of the accusations it has faced. It could show that, in this way at least, the system is not about mistreating RUK students, nor about going further than Westminster, it is about treating RUK students as fairly as possible given what has happened in the rest of the UK.

**Recruitment of RUK students** It is crucial to everyone in the Scottish higher education system that we continue to attract RUK students in at least the same numbers as previously. We believe a fee-waiver and bursary system that is better than the very weak, disjointed and opaque system seen in the rest of the UK could give Scotland a competitive advantage in recruiting RUK students. By addressing the reputational damage, in part at least, through a strong bursary/fee-waiver system we could aid recruitment of RUK students,

not just from non-traditional backgrounds but crucially throughout the income bands.

Even those that would never hope to benefit from a bursary or fee-waiver would be able to see Scotland's system is about fairness not unfairness, and that Scottish universities, far from closing the door on RUK students, were still very much "open for business".

How to deliver a better bursary and fee-waiver system?

□□A Scottish OFFA – but better

NUS UK has been very concerned with how OFFA has operated as part of the Westminster fees system. They seem to have insufficient powers to hold institutions properly to account or to ensure that they deliver their access plans. However, the idea of an independent body to advise and scrutinise institutions on their widening access plans could be very useful in Scotland. A Scottish OFFA with greater powers to hold institutions accountable on widening access could be very useful not only to improve widening access rates among RUK students but also to improve widening access across all students at Scottish institutions. We would also like to see a body in Scotland fulfilling the role played by the Sutton Trust in the rest of the UK – an independent voice on social mobility and widening access, coming forward with new ideas, and challenging the sector to do more to improve both.

While we believe this would be a great step forward for the Scottish higher education sector as a whole, it would need to be combined with a simple and tangible "Scottish offer" of feewaivers/ bursaries for RUK students coming to Scotland. Unlike in the rest of the UK, where feewaiver and bursary amounts only become clear once a student has applied and been accepted, we believe that a Scottish fee-waiver/bursary system should provide pre-application incentives, as after all it is students' application choices that we are hoping to influence.

We have outlined three of these below:

1. A minimum standard of spend, set in the SFC grant letter

We believe a minimum standard of how much RUK fee income should be spent on bursaries/feewaivers could be very useful in creating a "Scottish offer" to RUK students on fee-waivers and bursaries. By insisting on, we would suggest, a minimum of 20% of RUK fee income at each institution being spent on fee-waivers/bursaries for students from lower-income households, Scotland could send a clear message to RUK students and their families, prior to them making institution choices, that a significant sum of funds will be being spent on safeguarding access for those from financially disadvantaged backgrounds.

This has the advantage of being clear across Scotland, and the advantage of being more generous than the English system and as such a potential competitive advantage throughout income groups.

However, it shares the disadvantage of the English system that bursary/fee-waiver amounts may not become clear until after application and the after any place has been taken up.

2. An institution-level, cash-limited, bursary/fee-waiver guarantee

By combining a minimum spend standard across Scotland (option 1), with a cash-limited bursary/feewaiver "guarantee", each institution could then make

a clear and categorical statement on the number of bursaries/fee-waivers it will guarantee to offer in a given year.

For example, the SFC would set a minimum standard of 20% of RUK fee income being spent on feewaivers and bursaries by each institution. It would also set a bursary/fee-waiver guarantee for groups of students it wanted institutions to prioritise – so for example the SFC could set a £10,000 fee-waiver/bursary to students with household income under £30,000 per year. Institutions would then guarantee to deliver a set number of these bursaries/fee-waivers based on the income they expect from RUK fees – so for example University X would estimate that 20% of the fee income it will receive would be £10m per year (once the system is fully up and running) and that this would provide 1,100 bursaries at £9,000 per year.

Taken together, these institution decisions would add up to a pre-application “Scottish offer” with RUK students knowing that if you apply to Scotland you could access one of the (for example) 4,000 bursaries on offer to students with household income below £30,000. This type of system could influence RUK student decisions to study in Scotland, protecting widening access, limiting perception of unfairness in the Scottish system and any consequent damage to reputation of Scottish institutions, and finally could aid recruitment of RUK students into Scotland throughout the income bands.

This has the advantage of being clear across Scotland, and the advantage of being more generous than the English system and as such a potential competitive advantage in recruitment throughout income groups. It also has a large advantage over the English system that bursary/fee-waiver amounts would be clear prior to application and so that students have a much better idea of what’s on offer in Scotland compared to England. This would have the disadvantage of some institutions running out of bursary/fee-waiver while others had funds remaining.

### 3. A national-level, cash-limited, bursary/fee-waiver “guarantee”

This would be similar to the second option (above), however rather than each institution determining the numbers of bursary/fee-waivers at each institution, funds would be pooled at the national level.

Using the example in option two above, this would mean rather than having a ring-fenced number of bursaries available at each institution (i.e. 1,100 at University X in the example above), bursaries would be pooled at the national level and distributed at the national level.

For example, the number of bursaries/fee-waivers available from 20% of RUK fee income across Scotland would be calculated at the national level. As above, this would provide roughly 4,000

£10,000 bursary/fee-waivers across Scottish institutions for RUK students under a household income of £30,000. Students could apply into this national pot of funds regardless of which institution they were applying to, meaning the fee-waiver/bursary system would not be susceptible to peaks or troughs in demand at particular institutions. University X may get more or less than the 1,100 (for example) bursaries it would expect under option 2.

This has the advantage of being clear across Scotland, and the advantage of being more generous than the English system and as such a potential competitive advantage in recruitment throughout income groups. It also has a large advantage over the English system that bursary/fee-waiver amounts

would be clear prior to application and so that students have a much better idea of what's on offer in Scotland compared to England.

#### Conclusions

We believe improving the proposed RUK fee system through a strong fee-waiver/bursary system would be right in principle and in practice. It could protect widening access in itself, but also help to repair potential damage to the reputation of Scotland's HE system in the eyes of prospective RUK students and their families, and also give Scotland a competitive advantage in recruiting RUK students throughout the income bands.

As part of a strong fee-waiver and bursary system we would like to see an independent body to advise and scrutinise institutions on widening access, not just for RUK students but across the institutions full intake. This could be an equivalent to OFFA in England but by learning the lessons of the failure of OFFA in England we can give this new body the powers and role it needs to have a real impact on widening access. In addition to this new widening access body, we believe Scottish institutions need to come forward with a "Scottish offer" in terms of fee waivers/bursaries, in a joint approach. We have outlined three options that would help and that we would welcome as progress. However, our preferred options would be either option two or three, a bursary/fee-waiver "guarantee" that would offer a limited number of (and hence cash-limited) bursaries/fee-waivers to particular groups of RUK students. The amount, means-test and priority groups of students to be targeted would be set by the SFC (e.g. £10,000 bursary if income under £30,000) but the number of bursaries/fee-waivers that would be available would be set at the institution level or at the national level depending on the Government's preference. Compared to the current English system of bursaries which is intangible, opaque and post application, this system would provide a greater level of fairness and, we believe, potentially a large competitive advantage for Scottish institutions recruiting RUK students.

### **032 – Scottish Youth Parliament**

#### **Level of fees payable by students from the rest of the UK**

In light of the Scottish Government's promise that there will be no reduction in places for Scottish students regardless of the fee level of students from the rest of

the UK, we asked respondents what they felt the right level would be.

1 Building a Smarter Future – Response from the Scottish Youth Parliament

2 Ibid.

3 Consultation on the Draft Student Fees (Specification) (Scotland) Order 2011

4 Official Report – Meeting of the Parliament 30 June 2011

<http://www.scottish.parliament.uk/Apps2/Business/ORSearch/ReportView.aspx?r=6329>

5 'What should students from the rest of the UK have to pay to study in Scotland?' survey – Scottish Youth Parliament, August 2011

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A clear majority of respondents (62.4%) were of the view that the level should be equal to the fee to study at a university in the rest of the UK. 28.2% felt the level of fees should be lower than in the rest of the UK, with only a small minority (8.5%) supporting an option of higher fees than in the rest of the UK.<sup>6</sup> Expanding on their responses, a number of respondents cited 'fairness' as the main reason for taking this view. One commented that *"if it was equal, students would still have equal access to places in Scottish universities and it would be fair across the board. Scottish students pay to study in England so the same process in applying policy should be put in place."*<sup>7</sup> Another was of the view that the fee level should be equal to the rest of the UK *"to ensure that English and Welsh students are applying to Scottish universities for the right reasons – based on the courses offered, reputation of the university or a desire to study in this country and not merely because they can get a degree cheaper in Scotland than at a university in their own area."*<sup>8</sup>

A number of respondents took the opportunity to state their disappointment at the £9,000 maximum fee in the rest of the UK, with one describing it as *"a ridiculous amount."*<sup>9</sup> Others clarified that their support for equal levels of fees was based on the cost of fees over the lifetime of the degree rather than based on an annual level. This issue is explored in greater detail below.

### **Impact of degree length**

As noted above, and has been pointed out by other observers, proposals for the maximum fee level for students from the rest of the UK studying in Scotland to be £9,000 per year, which is the same as the maximum in the rest of the UK, could have the knock-on effect of making studying in Scotland more costly for students from the rest of the UK than it would be at their home institutions. This is due to the fact that typical degree courses in Scotland last for four years, as opposed to three years in the rest of the UK. A degree in Scotland could cost up to £36,000 in total whereas a degree elsewhere would be a maximum of £27,000.

Whether by accident or design, this feature has the potential to raise the total cost in fees to a substantially greater amount to study than in the rest of the UK, rather than an equal cost. To explore young people's views on whether this should be the case, if this was their preferred solution and how the issue of differing degree lengths could be overcome we presented respondents with four options:

A – Set a maximum fee for total degree course, not per year. The maximum fee should be £27,000 for the total course (e.g. around £6,700 per year for a four-year course) so the total fees over the full degree course would be the same as in the rest of the UK.

B – Make the first year free. There could be no fee for the first year and a maximum of £9,000 per year for the rest of the course.

C – Make the final year free. A maximum of £9,000 per year for the first three years, with no fees in the final year.

D – Allow degrees to be more expensive in Scotland. It should be a maximum of £9,000 per year for all four years, even if it makes it means higher fees in Scotland than in the rest of the UK.

The most preferred option was A (maximum fee of around £6,700) with 43.6%, with option C (final year free – 19.7%) preferred to option B (first year free – 6.8%), representing a total of 70.1% of respondents favouring a

corrective mechanism to keep the total cost of tuition fees at a maximum of £27,000 over the degree course.

Maintaining the £9,000 per year option with higher fees as a result (option D) was preferred by barely a fifth of respondents (20.5%), with a majority of those calling for equal fees in the question above not considering this option to be 'equal' according to their own definition.<sup>10</sup>

It should also be noted that the first Scottish institution to raise fees for students from the rest of the UK to the maximum level, the University of Aberdeen, has indicated that it intends to cap the fees at a maximum of £27,000 for a four-year degree course.

### **Bursary support for students from the rest of the UK**

The increase in maximum fees by the UK Government was matched by a package of bursary support targeted at students from the poorest backgrounds to offset some of the impact of the rise in fees. We asked survey respondents whether, as in England, the Scottish Government should oblige universities use some of the money they get from fee increases to ensure that poorer students can afford to go to university, such as support for living and accommodation costs and reduced fees for students from the poorest backgrounds.

There was strong support for increased bursary support for students from the rest of the UK in Scotland to match that on offer at other UK institutions, with two thirds of respondents (66.7%) in agreement. Some respondents felt that this should be the biggest consideration with the rise in fees, with one respondent commenting that *"institutions that are generating surplus from increased fees*

10 'What should students from the rest of the UK have to pay to study in Scotland?' survey – Scottish

Youth Parliament, August 2011

11 Tuition fees announced for rest of UK students – University of Aberdeen  
<http://www.abdn.ac.uk/news/details-10469.php>

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*should put a large majority (>90%) of this towards widening access initiatives. In the long run this should benefit all students, not just RUK students."* 12

### **Variability of fees**

As the proposals outlined in the Draft Order would allow universities in Scotland to decide what fees they charge students from the rest of the UK up to the maximum, we explored respondents' views on how much flexibility universities should be allowed to vary fees across different courses and between institutions.

We gave respondents four options for how much variability should be permitted, asking them whether they thought that fees for students from the rest of the UK should be – *"be the same for all courses at all universities"; "be the same for the particular course at all universities"; "be the same for all courses at a particular university (e.g. all courses at the University of Edinburgh would charge the same)"* and *"it should be up to the individual universities to set the fees for each course they run"*. 13

No clear consensus emerged from the answers, with 37.6% of young people responding preferring "it should be up to the individual universities..." 35.9% supporting fees being the same for all courses at all institutions and 21.4%

favouring fees being the same for the particular course at all Scottish universities.

There was very limited support for the idea of fees being the same for all courses at a particular university, with just 3.4% of respondents supporting this option.

There appeared to be recognition that different courses cost more to run than others, but that different institutions charging markedly different levels of fees could create a 'two-tier' level of higher education. As one respondent put it "*Variable fees through different universities would create different tiers of establishment, essentially taking us back to 'traditional universities' and 'polys'*".

### **Other issues arising from consultation**

A number of respondents spontaneously raised the issue of a reported legal challenge on human rights grounds by campaigners,<sup>16</sup> as well as a campaign group

'Equal university fees for all UK students'.<sup>17</sup> The respondents were extremely concerned that this could lead to tuition fees being imposed for Scottish-domiciled students in Scotland – "*goodbye to free university for me - how dare [they]!*" as

<sup>12</sup> 'What should students from the rest of the UK have to pay to study in Scotland?' survey – Scottish

Youth Parliament, August 2011

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Scotland's uni funding system faces legal challenge – BBC News

<http://www.bbc.co.uk/news/ukscotland-14607122>

<sup>17</sup> <http://equalunifees.webs.com/>

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one respondent put it. Another respondent described the legal challenge as "*ill conceived*", "*a publicity stunt*" and the campaign as "*politically illiterate*".<sup>18</sup>

These concerns appear to be motivated by the suggestion that because the rest of the UK charges high tuition fees, Scotland should be forced to do so as well. Any decision to require tuition fees in Scotland to be set at the same rate as in the rest of the UK would run contrary to young people's opposition to fees in Scotland, undermines the devolution settlement and risks centuries of a distinctive Scottish education system being undermined.

A number of respondents made clear their opposition to fees in Scotland and further afield throughout the survey. The respondents added comments such as

*"FE/HE should be free, regardless of geopolitics"*, *"fees are wrong"*, and *"free education for all"*. Another suggested campaigners should *"fight for free education for all and you won't have [this] problem"*.<sup>19</sup>

### **Conclusion and Summary of Recommendations**

The Scottish Youth Parliament remains opposed to tuition fees in principle. We believe that charging students to study violates the important philosophy that access to further and higher education should be based on the ability to

learn, not the ability to pay. However, we recognise that the consequences of the UK Government's decision to levy a maximum fee of £9,000 per year creates a situation where it may become far cheaper for students from other parts of the UK

to attend higher education institutions in Scotland than it would be in England. In recognition of this, we support moves to enable Scottish universities to charge tuition fees to students from the rest of the UK at an equal level to those they would be expected to pay in other parts of the UK. However, steps should be taken to ensure that due to the different length of a Scottish degree, students from the rest of the UK are not penalised. The maximum fee should reflect the total payable over the length of the degree, not an annual fee that may make it more

expensive to study in Scotland. Furthermore, with the additional income received, universities should be required to provide additional bursary support to students from the poorest backgrounds.

The decision to support the levying of fees for higher education is not one that comes easily or without a deal of reluctance, regardless of where a student may live. However, we feel that decisions taken at Westminster have left little alternative. We would hope that campaigns against fees in the rest of the UK do not take the approach of "if we can't have free education, you shouldn't have it either" to Scottish students, and that any developments on this issue do not undermine the Scottish Parliament's ability to legislate on education matters in Scotland or the historic distinctiveness of Scotland's university system. 'What should students from the rest of the UK have to pay to study in Scotland?' survey – Scottish

Youth Parliament, August 2011

Ibid.

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**The Scottish Youth Parliament recommends:**

- Universities in Scotland should be allowed to charge tuition fees to students domiciled in the rest of the UK up to the maximum charged for a degree by institutions in other parts of the UK
- The maximum fee should be based on the total payable over the length of the degree (£27,000), rather than £9,000 per year, to avoid Scotland being a more expensive place to study
- This should be achieved by either setting the annual maximum at around £6,700, or by not charging a fee for the fourth year of study
- Individual universities should be able to set the fees for each course they run up to the maximum allowable. However, the Scottish Government should monitor the implementation of this to ensure a 'two-tier' system of higher education is not created
- Universities should be required to use some of the income received from fees to provide additional targeted bursary support to students from poorer backgrounds

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### **037 – Students Association of the University of the West of Scotland**

#### National Level

##### Opposition to Fees

The Students' Association of the University of the West of Scotland (SAUWS) is opposed in principle to any form of tuition fees, as we believe having to pay for your education acts as a barrier for people wanting to achieve their full potential. Although we understand the position that the Scottish Government is in, due to decisions taken by the Coalition government, we are still concerned at the possibility that rest of UK domiciled (RUK) students, studying at UWS could end up paying £9,000 a year for their education.

##### The price for studying in Scotland

If RUK fees are introduced then SAUWS is concerned at the £9,000 cap per year, which has been introduced for RUK students wanting to study in Scotland. This cap could make Scotland the most expensive place to study in the whole of the UK, based on the fact that the vast majority of degrees in Scotland take four years to complete, compared to the average three years in England. We believe the Scottish Government should put provisions in place to ensure that no institution in Scotland will become more expensive to study at, than higher education institutions south of the border. Thus, if fees are introduced then they should be set to a maximum of £6,750. This would then match the cost of degrees in England.

##### Redistribution of RUK fees

SAUWS is also concerned about how the RUK fees those institutions bring in will be distributed amongst universities across Scotland. SAUWS understands that the Scottish Government intends to distribute the teaching grant which would previously have been used to fund RUK students evenly across all of Scotland's universities. The Cabinet Secretary explains that this will make sure that all institution, regardless of how many RUK students that they have, will benefit from the new arrangements. However, SAUWS has concerns over the free market aspect of this policy, which will control the distribution of profits from RUK fees. Income generated by RUK fees will be centred in a few institutions leading to greater segmentation in the sector and reductions in relative funding for institutions focused of widening participation.

In light of this, SAUWS proposes that all of the fees incomes from RUK students should be redistributed amongst all the universities in Scotland. This would remove the incentives to universities to focus on recruiting RUK students and mean that no university will tailor their courses to what attracts RUK students. This will ensure that those universities who are not able to attract many RUK students will not be disadvantaged under this system. If the RUK fees are not distributed evenly, then this would create a situation where there is further financial disparity between universities who are able to attract a large amount of RUK students and to those institutions that attract lower numbers of RUK students.

The above proposal is the favoured position off SAUWS; however, we are aware that a compromise arrangement may have to be made. Our key concern is that those institutions, like UWS which are more focused on widening access, and do not attract as many RUK students, are not disadvantaged by the new arrangements. We are keen to ensure that these institutions do not benefit from the additional funds available from the teaching grant.

#### Protecting widening access

With the savings that will be made from the teaching grant not going to fund RUK students anymore, SAUWS proposes that the Scottish Government sets up a body that promotes and encourages widening access amongst higher education institutions. SAUWS believes that having a body in Scotland similar to the Office of Fair Access (OFFA) that exists in England will help ensure that despite RUK fees being introduced, attempt can still be made to safeguard and promote widening access. Although this department would be set up to counter the possible threats that may arise over variable fees, SAUWS does not believe that having variable fees is a condition for having an office that is there to promote and encourage widening participation. We also feel that the Scottish body could go beyond what OFFA can do in England, to ensure that it is more effective in enforcing wider access. OFFA is often criticised for being ineffective due to the belief that it cannot impose serious sanctions on those institutions that do not meet their milestones when it comes to access agreements. If a similar body is to be set up in Scotland, then it is fundamental that serious sanctions are placed upon universities that do not achieve on their widening access targets.

In brief, SAUWS is concerned about the marketisation agenda that will occur, if fees do vary from institution to institution, and subject to subject. SAUWS believes that if this new system isn't managed properly and if the incoming\_- fees aren't redistributed fairly then this will have a detrimental effect on the widening access policy that UWS is proud to have."

#### Local Level

Although the decision to introduce RUK fees is taking place in the Scottish Parliament, the effect of that proposed policy will have a severe and lasting impact on the various institutions from across Scotland. In addition, due to the fact that the Scottish Government has allowed institutions the freedom to set their own tuition fee level for RUK students, then SAUWS must lobby our university to make sure that the fees set by UWS are fair and do not price out RUK students from wanting to come to study at the University. Therefore, if the Scottish Government's proposed policy does come into effect, then we would campaign to achieve the following for our RUK students.

SAUWS believes that the University of the West of Scotland has a proud record of widening access, giving those students who would not normally go to University, the chance to access a university education. We believe that the University has been put into a difficult position, due to the fact that the Coalition Government, last year decided to increase tuition fees to unprecedented levels. This act has unfortunately forced the Scottish Government to respond in the way that they have and as such the University is discussing what the level of fees should be for our RUK students.

One of the salient features of the university's strategic plan is a commitment of "wider and deeper participation in higher education by those in under-

represented groups". SAUWS believes that the university has a chance to show the rest of Scotland that it still believes in the widening access principles and as such SAUWS is urging the University to agree to the following commitments:

- If RUK fees are introduced then we should bring them down to £5,625 per year, the average fee in England, for Million plus groups, for 4 years.
- To ensure fees do not differ between courses across the university.
- To redistribute 30% of the fees that are brought in from rest of the UK students, on bursaries. This will help ensure that the university commits itself to the widening access principles.

SAUWS understands that the university has been forced into a difficult decision, due to the choices made by the UK and Scottish Governments. However, SAUWS is proud to represent students from a university that adopts a widening access policy and as such we are urging the university to bear this in mind when deciding what the fee levels should be for our rest of the UK students.

### Conclusion

SAUWS understands and appreciates the situation that the Scottish Government finds itself in, due to the decisions taken by the Coalition Government last year to introduce a market in higher education institutions. Without the ability to raise taxes the Scottish Government has to respond to the environment that it is in, due to the Coalition Government. Doing nothing and leaving the system the way it is, would not be an option for the Scottish Government.

However, as outlined in this response, SAUWS is concerned over certain aspects of what the Scottish Government is proposing. We are fundamentally opposed to tuition fees being introduced in Scotland for any of our students, and are equally concerned that students studying in Scotland could end up paying £36,000 for their education. We are also concerned that the systems being proposed by the Scottish Government could damage widening access and would therefore urge the Scottish Government to set up such a body that protects, rewards and encourages widening access amongst higher education institutions. In addition to this, UWS attracts only a small amount of RUK students and we feel that if there isn't a proper redistribution mechanism put in place, which fairly redeploys RUK fees, then this new system will hurt those institutions that do pursue a widening access agenda and as such have a low number of RUK students.

The Scottish Government has stated its commitment to making sure education is based on the ability to learn and not the ability to pay and for that SAUWS gives them credit. However, these proposals outlined by the Scottish Government are of concern and we believe that there are other options that the Scottish Government can take to safeguard Scotland's proud record and reputation of having a fair, competitive and excellent education system.

