

EQIA Summary: Consolidation Exercise

June 2022

EQUALITY IMPACT ASSESSMENT - RESULTS

<p>Title of Policy</p>	<p>Consolidation of the Student Support Regulations covering changes to the residency criteria to include:</p> <ul style="list-style-type: none"> • The Long Residence Rule • Refugees and those who applied for refugee status and although did not qualify have been granted the right to remain in the UK • Syrian nationals who entered the UK under the VPRS • Modern Slavery • Children of an asylum seeker or young asylum seekers • Iraqi nationals entering the UK through the Locally Engaged Staff Assistance Scheme • Human Trafficking survivors
<p>Summary of aims and desired outcomes of Policy</p>	<p>Relevant National Outcomes:</p> <ul style="list-style-type: none"> • We respect, protect and fulfil human rights and live free from discrimination • We are well educated, skilled and able to contribute to society <p>This EQIA will review the impact, on the protected characteristics, of the changes to the residency criteria for students living in Scotland.</p>
<p>Directorate: Division: team</p>	<p>SAAS: Policy Manager Governance</p>

Executive summary

A review of the changes to the residency criteria was carried out, of which this EQIA forms a part. This includes the following changes:

- The Long Residence Rule
- Refugees and those who applied for refugee status and although did not qualify have been granted the right to remain in the UK
- Syrian nationals who entered the UK under the VPRS
- Modern Slavery
- Children of an asylum seeker or young asylum seekers
- Iraqi nationals entering the UK through the Locally Engaged Staff Assistance Scheme
- Human Trafficking Survivors

The EQIA's identified positive impacts for students by opening up student support to those in the above categories, allowing the opportunity for them to access further and higher education in Scotland.

Potential negative impacts were identified with regards to age for the Long Residence Rule, however analysis of evidence determined that this position was justified under the relevant legislation.

Background

A project team was formed in late March 2021, comprising of officials from the Student Awards Agency Scotland (SAAS), Higher Education and Science Division (HES) and SGLD, with the aim of consolidating and updating the student support regulations to ensure greater clarity and consistency.

As well as consolidating the existing regulations, the project team will also consider current support policies which are not supported by regulations and those in which we would be potentially vulnerable to challenge – one such area was to identify policy changes in which an EQIA was not in place to confirm there were no discriminatory impacts of the policy.

Before the changes to the residency criteria for eligibility to student support in Scotland, listed above, the students in the relevant categories were classed as international students by institutions for fee purposes.

The aim of the changes was to extend the residency criteria to include students in the above categories.

The Scope of the EQIA

As the changes to the residency criteria for eligibility to student support in Scotland are intended as positive changes for all students in the relevant categories, it is considered a concise and focused Equality Impact Assessment is proportionate in these circumstances.

The policy changes will affect:

- The Long Residence Rule - foreign nationals who have been resident in the UK for significant periods of time but only have discretionary leave to remain or limited leave to remain
- Refugees and those who applied for refugee status and although did not qualify have been granted the right to remain in the UK
- Syrian nationals who entered the UK under the VPRS
- Modern Slavery - those who are granted leave to remain as Human Trafficking survivors
- Children of an asylum seeker or young asylum seekers
- Iraqi nationals entering the UK through the Locally Engaged Staff Assistance Scheme
- Human Trafficking survivors

The EQIA considered the available data in relation to the protected characteristics of the above groups of students. There were significant gaps to the available data as the journey through the Immigration system is not linear and straddles various workstreams, however, as the changes applied to all students in the above categories, irrespective of the protected characteristics, the changes are seen as positive. Any negative impacts are justified under relevant legislation.

Key Findings

The EQIA identified that there are gaps in the information available relating to the characteristics of students in the relevant categories and therefore the impact that the changes have on the protected characteristics.

However, the changes to the residency criteria for eligibility to student support in Scotland in general are seen as positive changes as they open up student support to those in the above categories, allowing the opportunity for them to access further and higher education in Scotland.

Recommendations and Conclusion

Positive impacts as a result of the changes to the residency criteria for student support in Scotland have been identified for students in all equality groups.

The revision to the policy will help open up student support to students in these categories.

The policy changes are subject to ongoing monitoring by the Advanced Learning and Science division and SAAS will continue to gather statistical data on student applications going forward.



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The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80435-576-3 (web only)

Published by The Scottish Government, June 2022

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1099622 (06/22)

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