The Scotland Act 1998 (Agency Arrangements) (Specification) (Recognition of Qualifications) Order 2025 Child Rights and Wellbeing Impact Assessment

August 2025

Scottish Government
Riaghaltas na h-Alba

Child Rights and Wellbeing Impact Assessment (CRWIA) for UK ENIC service delivery in Scotland

Disclaimer

This document is a point in time assessment of the likely effects of the above-named proposal on the rights and wellbeing of children and young people. This impact assessment should be read in conjunction with other impact assessments prepared for this proposal.

Scottish Government acknowledge the importance of monitoring and evaluating the impact of strategic decisions and legislation on children's rights and wellbeing. Any information gathered during implementation of the legislation or strategic decision to which the impact assessment relates, will be used to inform future determinations of impact. Any new strategic decision or new legislation (including amending legislation) would be subject to a new CRWIA in line with the legislative requirements.

Child Rights and Wellbeing Impact Assessment Template

1. Brief Summary

Type of proposal:

- Statutory Instrument

Name the proposal, and describe its overall aims and intended purpose.

The Scotland Act 1998 (Agency Arrangements) (Specification) (Recognition of Qualifications) Order 2025.

UK ENIC services

The European Network of Information Centres (ENICs) services offer a range of data and support linked to comparability of qualifications from abroad. Since 1997, the UK Government has operated contracts to deliver a service that recognises qualifications from abroad in line with international agreements on this matter.

The **UK ENIC services** offer comparability statements for individuals seeking to come to the UK to work or study or in some cases refugees, and also support for sector bodies and higher and further learning institutions considering applications from potential employees or students outside the UK.

Individuals can apply for their own statement of comparability, organisations can pay for bundles of information and, for frequent users, there is a membership subscription which varies depending on how many staff will have access to the database.

UK ENIC services, such as the statement of comparability, are used by individuals who obtained their qualifications overseas, in general non-UK citizens, who wish to study and/or work in the UK. They may be applying whilst still overseas, or they may already be resident in the UK when applying for the service.

Generally, if someone who obtained their qualification within the UK wishes to study or work overseas, they do not apply to UK ENIC, but to the equivalent service in their intended destination country.

The Order

A new contract to deliver the UK ENIC services procured by UK Government started on 28 March 2025. It was awarded to Ecctis Limited and runs for five years. Recently, the UK Government Department for Education, the Scottish Government, Welsh Government and Northern Ireland Executive have agreed that the UK ENIC services relate to the devolved matter of education.

The Recognition of Overseas Qualifications (Charges) (Scotland) Regulations 2025 (SSI 2025/67) (“the Scottish Regulations”) came into force on 28 March 2025 at the same time as the new contract. The Scottish Regulations provide the statutory basis for Scottish customers to be charged for UK ENIC services from the start of the new contract. This Order enables continued provision of the service by UK Government

(via the contract with Ecctis Limited) to customers in Scotland, under agency arrangements with the Scottish Ministers.

Prior to the section 93 Order coming into force on 1 July 2025, a Memorandum of Understanding has been agreed and is operating between the Scottish Government and UK Government. This Memorandum of Understanding sets out the understanding between the two Governments as regards the delivery of the UK ENIC services in Scotland by the UK Government on behalf of Scottish Ministers, until the Order and agency arrangement can come into force. The agency arrangements are likely to be on very similar terms to those agreed in the Memorandum of Understanding.

Start date of proposal's development: February 2025

Start date of CRWIA process: February 2025

2. With reference given to the requirements of the UNCRC (Incorporation) (Scotland) Act 2024 (Annex 1), which aspects of the proposal are relevant to/impact upon children's rights?

The UK ENIC services help individuals and organisations to compare overseas qualifications with those available in the UK. For the purposes of this CRWIA, we have assessed the potential impact of the Order on people who are children at the time they, or an organisation on their behalf, use any of the UK ENIC services (irrespective of whether or not the child is resident in Scotland at the time).

The UK ENIC services can help people coming to the UK to work, study, practice or settle and people with overseas qualifications already resident in the UK. The UK ENIC services support universities and colleges, employers, professional bodies and refugee services with the comparability of educational, vocational and professional qualifications.

The UK ENIC services are used by Scottish universities in assessing applications for full-time first degree courses from children residing overseas. We estimate that there were around 16,000 overseas applicants for full-time first degree courses starting in autumn 2024 who might have been children at the time that any UK ENIC services check might have been made by Scottish universities. The vast majority of these applicants are likely to have needed some form of comparability of qualifications check and UK ENIC services would be used by universities where they were unsure of the comparability (which might only be in some cases).

Whilst comparability checks might relate to qualifications equivalent to those obtained at age 15 or 16 in Scotland (e.g. GCSE, National 5s and Highers), we are not aware of any comparability checks being made by, or on behalf of, Scottish schools.

As noted above, Scots seeking to work or study abroad would use similar ENIC services in their intended destination country, rather than the UK ENIC service.

3. Please provide a summary of the evidence gathered which will be used to inform your decision-making and the content of the proposal

Evidence from: Existing research/reports/policy expertise

There has been no reporting requirement in the UK ENIC contract in relation to the age of individuals using, or who are the subject of checks under, UK ENIC services. Apart from university admissions data (discussed below), which reflects the significant majority of organisations with UK ENIC services membership in Scotland, we have been unable to access any statistical data suggesting that any enquiries were made by, or in relation to, children.

University admissions

Universities are the main users of the UK ENIC services in Scotland. They do this to compare overseas qualifications, most commonly when considering applications from people from abroad. The table below shows UCAS statistics[1] in respect of people applying[2] to, and acceptances by, Scottish universities for full-time first degree courses for the autumn 2024 first year intake:

Place of residence at point of application; and age on specified dates	Applicants	Acceptances
From all countries: all ages	**132,670**	**49,280**
Scottish-domiciled: all ages	47,995	37,805
Scottish-domiciled: 18 years old (age on 28 Feb 2025)	20,105	17,220
Scottish-domiciled: children (age on 28 Feb 2025)	1,440	1,055
Rest of UK: all ages	40,240	5,620
Rest of UK: 18 years old (age on 31 Aug 2024)	29,850	4,025
Rest of UK: children (age on 31 Aug 2024)	210	30
Outside of UK: all ages	44,440	5,855
Outside of UK: 18 years old (age on 31 Aug 2024)	21,945	2,590
Outside of UK: children (age on 31 Aug 2024)	4,910	575
Outside of UK: 18 years old (EU) (age on 31 Aug 2024)	3,390	450
Outside of UK: children (EU) (age on 31 Aug 2024)	825	120
Outside of UK: 18 years old (non-EU) (age on 31 Aug 2024)	18,555	2,140
Outside of UK: children (non-EU) (age on 31 Aug 2024)	4,085	455

Figures are rounded to the nearest five applicants or acceptances.

Where it is needed, a UK ENIC services check is likely to be made when a university is considering an application, in order to check the comparability of qualifications

[1] Source: UCAS Undergraduate end of cycle data resources 2024 | Undergraduate | UCAS
[2] Note that an individual can apply to up to five universities; but the table counts applicants, not applications.

already obtained and any pending qualifications. Applicants for the autumn 2024 intake would have applied in October 2023 for some subjects (including veterinary, medical and dental) but the majority of applicants will have applied to meet the end January 2024 deadline. This means that universities are likely to be using UK ENIC services to check comparability of qualifications most intensively from February 2024.

Scottish-domiciled children

The UCAS data in the table shows, that out of the 47,995 Scottish-domiciled applicants for full-time first degree courses at Scottish universities, around 1,440 applicants were children (aged 17 and under on 28 February 2025)[3]. These 1,440 applicants (most likely S5 leavers) would have been children when any UK ENIC services checks were made. But a very high proportion of the 20,105 applicants aged 18 on 28 February 2025 would also be children in spring 2024 when most of any UK ENIC services checks needed were made.

In terms of Scottish-domiciled children with overseas qualifications applying to Scottish universities, these would appear in the UCAS statistics as Scottish children, undifferentiated from Scottish children with Scottish qualifications. It is unlikely there are many Scottish-domiciled children with overseas qualifications applying to a Scottish university, as this is likely to require the child to have gained relevant qualifications at age 15 or 16 abroad and moved to Scotland and applied to university before attaining 18 years of age. But this cannot be ruled out, in the context of around 20,000 child applicants.

The UCAS data is limited to full-time first degree courses; there are also part-time and other undergraduate pathways for Scottish-domiciled students which are not captured in the UCAS data.

The Higher Education Statistics Agency (HESA)[4] collects information on university students in the UK, including information on qualifications prior to entry. In theory, HESA data could be used to identify Scottish-domiciled students who entered university with an international qualification. However, it would be a difficult and complex matching exercise because there is significant duplication in HESA data and qualifications on entry to university span 1,050 different qualification awards, without identifying whether they are international qualification or not.

Children living in England, Wales and Northern Ireland

The UCAS data in the table shows that, out of the 40,240 applicants living in England, Wales or Northern Ireland, around 210 applicants were children (aged 17 and under on 31 August 2024). This means these 210 applicants would have been children when any UK ENIC services checks were made. But approximately half of the 29,850 applicants aged 18 on 31 August 2024 would also be children in spring 2024 when any UK ENIC services checks were made.

[3] UCAS use 28 February of the following year (2025) as the reference point for the age of Scottish-domiciled children as it is the cut off point used to allocate children by birthday to school year in Scotland.
[4] HESA - Experts in higher education data and analysis

In terms of children living in England, Wales or Northern Ireland with overseas qualifications applying to Scottish universities, these are not differentiated in the UCAS data. It is unlikely there are many such children with overseas qualifications applying to a Scottish university but this cannot be ruled out, for similar reasons as set out above for children living in Scotland.

Children living outside the UK

The UCAS data in the table show that in respect of applicants from outside of the UK, 4,910 were children (17 years old or under as of 31 August 2024) with the vast majority originating from outside the EU. This means these 4,910 applicants would have been children when any UK ENIC services checks were made. But approximately half of the 21,945 applicants aged 18 on 31 August 2024 would also be children in spring 2024 when any UK ENIC services checks were made. In total this means approximately 16,000 overseas applicants were likely to have been children when any UK ENIC services checks were made.

Of course, some of these children may have studied for English or Scottish qualifications whilst abroad and so no comparability check would be required. In some cases, applications may be rejected without the need to assess the comparability of qualifications (if other eligibility criteria are not met). However, in many cases, perhaps even more so in respect of children outside the EU, qualifications would require some comparability check using UK ENIC services.

Refugees and unaccompanied children

We are not aware of any statistical data on refugees of relevance to this assessment. However, Skills Development Scotland provide support for individuals from abroad, including refugees through their careers service. These individuals are usually over the age of 20.

Whilst some unaccompanied child refugees aged 16 or 17 years old attend college to address language skills, there is no confirmed use of the UK ENIC services in respect of this group.

Evidence from: consultation/feedback from stakeholders

No public consultation has been undertaken as there is not a substantial impact on users of the UK ENIC services or fundamental changes to the services offered. However, the Scottish Government engaged with three representative Scottish member organisations to confirm the use and value of the UK ENIC service.

Evidence from: consultation/feedback directly from children and young people

Not applicable.

4. Further to the evidence described at ‘3’ have you identified any 'gaps' in evidence which may prevent determination of impact? If yes, please provide an explanation of how they will be addressed

Although there are some gaps in evidence around all the circumstances in which UK ENIC services requests might be made by, or in respect of children, UK ENIC

services requests are made by Scottish universities in respect of many children resident overseas applying to them for places on full-time first degree courses.

5. Analysis of Evidence

From the data available to us at this time, we have no evidence of children accessing this service directly as individuals. However, we estimate that there were 16,000 overseas applicants to Scottish universities for full-time first degree courses starting in academic year 2024-25, in respect of whom the UK ENIC services are highly likely to have been used when they were aged under 18 years. A similar pattern of use is likely to occur under the Order.

Where the UK ENIC services are used, they are likely to have a positive impact on a child's rights and wellbeing, especially around education. This is because the information about comparability of qualifications from overseas would help unlock opportunities for these children in securing higher education (and potentially further education or employment).

It is our understanding from speaking with some organisations using the UK ENIC services in Scotland that this is a valuable and positive addition to support for those seeking to study or work in Scotland.

The Order provides the statutory basis for the provision of the service to Scottish customers following the start the new contract with Ecctis Limited on 28 March 2025. The Memorandum of Understanding sets out the understanding between the Scottish and UK Governments for continued service delivery, pending the coming into force of the Order and agency arrangements. The Memorandum of Understanding is contingent on the Order being progressed. The Order therefore enables the UK ENIC services to continue to be delivered in Scotland. It is therefore considered that it will have minimal impact on children's rights and wellbeing. However, the impact of not pursuing the Order (given it is required to allow the UK ENIC services to continue to be delivered in Scotland) could be detrimental to some children's access to education, and potentially other opportunities.

Where the UK ENIC services are accessed in respect of children, they are considered to support the fulfilment of children's rights, specifically Article 28 of the UNCRC as regards: (1) making higher education accessible to all on the basis of capacity by every appropriate means; and (2) promoting and encouraging international co-operation in matters relating to education.

6. What changes (if any) have been made to the proposal as a result of this assessment?

None. There was no other realistic option to ensure continued delivery of UK ENIC services in Scotland than to proceed with the Scottish Regulations and the Order. Without the Scottish Regulations, there would be no statutory basis for charging Scottish customers from 28 March 2025. Without the Order, there would be no clear statutory basis for service delivery in Scotland. This could put at risk the provision of the UK ENIC services in Scotland. As above, where the UK ENIC services are accessed in respect of children, they are considered to support the fulfilment of children's rights.

Conclusion

7. As a result of the evidence gathered and analysed against all UNCRC requirements, what is the potential overall impact of this proposal on children's rights?

Applicable answer(s): No impact.

8. If you have identified a positive impact on children's rights, please describe below how the proposal will protect, respect, and fulfil children's rights in Scotland.

Not applicable

9. If a negative impact has been identified please describe it below. Is there a risk this could potentially amount to an incompatibility?

Not applicable

Mitigation Record

What options have been considered to modify the proposal in order to mitigate a negative impact or potential incompatibility?

Please summarise mitigation actions taken below

Issue or risk identified and relevant UNCRC requirement

Not applicable

Action Taken / To Be Taken

Not applicable

Date action to be taken or was taken

Not applicable

10. As a result of the evidence gathered and analysed against all wellbeing indicators (Annex 2), will the proposal contribute to the wellbeing of children and young people in Scotland? (Guidance Section 2.3.2, pages 20-22).

Safe:	Not Applicable
Healthy:	Not Applicable
Achieving:	Not Applicable
Nurtured:	Not Applicable
Active:	Not Applicable

Respected:	Not Applicable
Responsible:	Not Applicable
Included:	Not Applicable

11. How will you communicate to children and young people the impact that the proposal will have on their rights?

Not applicable.

Post Assessment Review and sign-off

12. Planning for the review of impact on children's rights and wellbeing

- How will the impact of the proposal on children's rights and wellbeing be monitored?
- When will you review and update the CRWIA if required?

No impact.

If required, CRWIA will be reviewed and updated closer to the expiry of the current contract procured by the UK Government.

13. Sign off

Policy Lead Signature & Date of Sign Off: Andrew Mott, 1 April 2025

Deputy Director Signature & Date of Sign Off: Naureen Ahmad, 3 April 2025

Date CRWIA team first contacted: 25 February 2025

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