

Citizen Participation and Public Petitions Committee

8th Meeting, 2023 (Session 6), Wednesday
17 May 2023

PE2009: Ensure fair access to Scottish universities for all residents in Scotland and the UK

Petitioner	Caroline Gordon
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to ensure fair access to Scottish universities for residents in Scotland and the UK by reviewing university business models and Scottish Government funding arrangements.
Webpage	http://petitions.parliament.scot/petitions/PE2009

Introduction

1. This is a new petition that was lodged on 28 March 2023.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 4,530 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**. It refers to a question asked at First Minister's Question Time in January, which is accessible here: [Meeting of the Parliament: 12/01/2023 | Scottish Parliament Website](#)

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE2009: Ensure fair access to Scottish universities for all residents in Scotland and the UK

Petitioner

Caroline Gordon

Date Lodged

28/03/2023

Petition Summary

Calling on the Scottish Parliament to urge the Scottish Government to ensure fair access to Scottish universities for residents in Scotland and the UK by reviewing university business models and Scottish Government funding arrangements.

Previous Action

I have written to my MSP, Michael Marra who raised a question at FMQs. I was not satisfied with the answer.

Background information

Information published by Edinburgh University showed that 9 courses including Scots Law did not admit any students in Scotland from backgrounds that were not classified as "deprived". A poor business model and a lack of funding has meant that a large swathe of the Scottish population have been shut out of Higher Education. The Scottish Government should ensure that funding constraints or other factors do not result in discrimination against any group or demographic. I would like the Scottish Government to properly consider this and how it could be addressed.

Annexe B

The logo for SPICe, consisting of the letters 'SPICe' in a white, sans-serif font on a dark purple background.

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2009](#): Ensure fair access to Scottish universities for all residents in Scotland and the UK, lodged by Caroline Gordon

Introduction

The petitioner is concerned with the availability of undergraduate places at Scottish universities. The genesis of this concern appears to [be from recent reports](#) that the 2022 Scottish domiciled intake to certain courses at the University of Edinburgh were all students that had a “flag”. That is they came from most deprived 40% of neighbourhoods as measured by the Scottish Index of Multiple Deprivation. One of those courses was law.

Universities are independent and autonomous institutions. The admissions policy and decisions at each university is largely a matter for that individual institution. However, universities’ admissions sit within the policy and funding framework determined by the Scottish Government.

Relevant to this petition is the funding of undergraduate places in Scotland, and the policy to widen access to higher education. The former essentially puts a limit on the number of places available and the latter encourages universities to address historical imbalances in who attends universities in Scotland.

The University of Edinburgh is one of ten Scottish universities that offer LLB degrees. The list of those ten universities is included in the annex to this paper.

Funding undergraduate places in Scotland

The funding for Scottish domiciled full-time undergraduates attending Scottish universities has two elements. The first is the “fee”. This is £1,820 for a first degree or PGDE course paid by the Student Awards Agency Scotland (SAAS). The second is the grants provided to universities by the Scottish Funding Council (SFC), this is largely composed of an annual Teaching Grant. SFC funding provides the majority of the funding per undergraduate place. In 2022-23, the average total funding (SFC grant + SAAS fee) for an undergraduate place was around £7,500 per year.

Whereas the fee is demand-led, the Teaching Grant is fixed in a year and is to a degree modelled for the activity or outcomes the university delivers and has agreed in an Outcome Agreement with the SFC. Some subjects are “controlled” which means that at the subject level universities are asked to meet targets to support workforce planning. These subjects are nursing, medicine and teaching. Law is not controlled. While there is not a formal limit to the places a university can offer in a non-controlled subject, in practice the teaching grant will limit those places offered by universities.

This contrasts with the model of funding for undergraduate students from other nations of the UK. The fees they pay (normally paid through a loan agreement) are £9,250 per year, which is higher than the average fee + teaching grant Scottish Universities receive for Scottish domiciled students. Arguably this allows universities more flexibility in offering places but leaves the individual with more debt after a 3 or 4 year degree course.

Widening Access

The Scottish Government’s Programme for Government 2014-15 set out the ambition that a child born at that time in one of Scotland’s most deprived communities should, by the time of leaving school, have the same chance of going to university as one born in one of the country’s least deprived areas. Since 2016, universities and colleges have been working towards the mutual aim of widening access to university for students from the most deprived backgrounds. This work is guided by Scottish Government targets put in place following the recommendations of the Commission on Widening Access (COWA). The overarching

target is that by 2030, students from the 20% most deprived backgrounds should represent 20% of entrants to Higher Education.

The COWA recommended that the Government appoint a [Commissioner for Fair Access](#). This role was taken up by Professor Sir Peter Scott in 2017. The current commissioner is Professor John McKendrick who was appointed in January 2023. The Commissioner has [published](#) annual reports on widening access to higher education, as well as a number of discussion papers.

Currently Widening Access targets are tracked and monitored based on the Scottish Index of Multiple Deprivation (SIMD). That is, it is an area-based measure and the Scottish Government is working with the sector to further develop measures to identify ‘access’ students in the future.

[In 2020-21](#), 16.7% of all Scottish-domiciled entrants to full-time first degree courses were from the 20% most deprived areas. This is taken from data produced by the Higher Education Statistics Agency (HESA). At the time of writing, HESA has published data up to the academic year 2021/22 but the subsequent SFC widening access report is not yet published. The table below shows the Scottish domiciled intake to Scottish universities for first degree courses by SIMD quintile.

Scottish Index of Multiple Deprivation (SIMD)	2017/18	2018/19	2019/20	2020/21	2021/22
Quintile 1 – most deprived (SIMD)	16%	16%	16%	17%	17%
Quintile 2 (SIMD)	16%	16%	15%	16%	17%
Quintile 3 (SIMD)	18%	18%	18%	19%	18%
Quintile 4 (SIMD)	22%	22%	22%	22%	22%
Quintile 5 – least deprived (SIMD)	28%	28%	28%	27%	26%

The aim to Widen Access to Higher Education has broad support across the sector. Universities Scotland's 2019 document [Working to Widen Access](#) set out 15 actions for universities to take toward implementing the COWA recommendations.

There is also appetite to ensure that our professions better reflect the communities they serve. See for example, the [Law Society of Scotland’s work on social mobility](#). The Commissioner for Fair Access’s third annual report addressed this issue. He said—

“Fairer access to the professions, in particular high-status professions, is needed to ensure that they recruit from the widest possible pool of talent (efficiency); to avoid access being over-

determined by accidents of birth and family circumstances (social justice); and to ensure professions are as representative as possible of the communities they serve (social cohesion).

Professional qualification is the destination of many university courses so unequal access to professions can distort the provision of higher education especially for students from more socially deprived communities.” ([3rd report](#), 2020)

The Commissioner recommended—

“Universities should aim to increase the proportion of SIMD20 entrants to LLBs to match their institutional averages in order to meet the need for a more socially representative legal profession.” ([3rd report](#), 2020)

Fears of displacement

The combination of the limitations to the overall number of undergraduate places and a greater focus on ensuring that places at university are shared more equitably across the socio-economic spectrum has led to fears of a zero-sum game. In other words, more places for people from more deprived neighbourhoods would displace people from less deprived neighbourhoods.

This concern was highlighted in several reports of the Commissioner for Widening Access. He recommended that to mitigate this potential issue, the Government “should consider whether the total number of funded places in Scottish higher education needs to be increased in order to ensure that overall demand, from applicants from all social backgrounds, is met while maintaining the momentum towards fair access.” ([1st report](#), 2017)

This was an issue the commissioner returned to regularly in his annual reports. Professor Scott’s final report stated—

“Despite the pressure on the Scottish Government's budget, it is essential to provide an adequate number of (properly) funded places in higher education. Failure to do this, or perception of failure, could lead to an increase in competition for places. This could revive fears that better qualified (although more advantaged) students were being 'displaced' by SIMD20 entrants. Justified or not, these fears act as a drag on efforts to achieve fair access.” ([5th report](#), 2022)

The number of places for Scottish domiciled students in Scottish universities has been increasing. HESA reported a total of 110,000 full-time first degree places (in all years) in Scotland in 2021-22. This compares to 97,400 places in 2017-18. There may be a number of reasons for this increase. For instance, there was a short-term increase to the intake to first year in both 2020 and 2021 as a result of the pandemic.

Review of tertiary education

In 2020, Scottish Ministers commissioned the SFC to undertake a review of coherent provision and sustainability in the tertiary education sector. In June 2021, the [SFC published](#) its final report and recommendations, which were subsequently [endorsed by Scottish Government](#).

The SFC reported that some respondents to the review suggested that “rules around fee-free tuition for Scottish domiciled students studying in Scotland should be relaxed to bring into the higher education system an additional contribution from students to the cost of their education, in light of the financial sustainability challenges facing universities”. (p121) The report noted that Government policy is to maintain free tuition for undergraduates and therefore the review did not explore the issue further.

Ned Sharratt
Senior Researcher
21/03/2023

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe: Scottish Universities that offer an LLB degree

- The University of Aberdeen
- The University of Abertay
- The University of Dundee
- The University of Edinburgh
- The University of Glasgow
- Glasgow Caledonian University
- Edinburgh Napier University
- Robert Gordon University
- The University of Stirling
- The University of Strathclyde

The Open University also offers a degree in Law, but this is not a Scottish LLB degree.

Annexe C

Scottish Government submission of 29 March 2023

PE2009/A: Ensure fair access to Scottish universities for all residents in Scotland and the UK

Scottish universities are autonomous institutions and as such are responsible for their own admission policies and selection criteria. The Scottish Government and Scottish Ministers are unable to intervene in universities' business models.

Scottish universities have an excellent reputation both within Scotland and around the world resulting in the selection process being highly competitive. Institutions, including the University of Edinburgh, receive significantly more applications than they have available places.

Each institution is allocated a number of full time equivalent funded places via the Scottish Funding Council. It is for the universities themselves to decide: how to distribute the places between faculties; the courses they offer; and how many of the total funded places will be available on each course. Neither students from the rest of the UK nor international students are able to access funded places which have been set aside for Scottish students.

There is a need to exert a level of control over the higher education budget, which means that the number of students able to access a funded place is not unlimited. With that said, our commitment to free tuition means that, unlike elsewhere in the UK, Scottish students studying in Scotland do not incur additional debt of up to £27,750 and average student loan debt in Scotland is the lowest in the UK.

Eligibility for home rate tuition fees and student support is determined with reference to an applicant's residence rather than nationality or place of birth. There are residency rules which are laid out in legislation and set out eligibility for tuition fee and living cost support. They generally require students to:

- Be ordinarily resident in Scotland on the relevant date (the relevant date is the 1 August for Autumn start courses; ordinary residence can be described as habitual or normal residence, by choice, over a period of time in one place and does not include residence solely for the purposes of education).
- Have been ordinarily resident in the UK and Islands for 3 years immediately prior to the relevant date.
- Be settled in the UK within the meaning of the Immigration Act 1971 (for example, be a UK national or otherwise have a right to stay in the UK without time restriction, for example 'Indefinite Leave to Remain').

The Scottish Government provides the sector with additional investment to fund extra places targeted at learners from Scotland's most deprived communities. Since this investment is additional to core places, it has no impact on opportunities for learners from non-deprived backgrounds.

Addressing socioeconomic inequality and ensuring excellence in Further Education and Higher Education are key priorities for the Scottish Government. There is an underrepresentation of those from our most deprived communities in our higher education institutions and in certain professions. We believe this is fundamentally unfair and it means we are not maximising Scotland's full talent pool. We believe firmly that every child, no matter their background, should have an equal chance of accessing university. By 2030, we want 20% of students entering university to be from Scotland's 20% most deprived backgrounds.

In terms of Scottish students accessing Scottish universities, since 2006-07 the number of Scottish-domiciled full-time first degree entrants has increased by over 30%, to a record 33,880 in 2021-22. UCAS data for the 2022 cycle shows a record number of 18-year-old Scots secured a place at Scottish universities in 2022, and the latest HESA data shows that there were 183,025 Scottish Students in 2021-22, a 1.6% increase on the previous year.

UCAS data out on 12 January 2023 shows that a near-record number of Scottish students secured a place at the University of Edinburgh.

- 2,535 Scottish students secured places in the 2022 cycle at Edinburgh, the 2nd highest since 2015 and only bettered by the record

high in 2021. [Note: 2015 is the earliest time series comparisons allow due to changes in methodology.]

- If we look at 18 year olds only, which is your typical school leaver, 1,590 Scots secured places at Edinburgh. This is 37% higher than 2019, the last year of exams.
- Only 9.1% of Edinburgh's full-time first degree entrants in 2020-21 came from the 20% most deprived areas of Scotland, compared to over 16% across Scotland. This must be improved if we are to achieve our ambitions on supporting students from the most deprived areas in Scotland.

Annexe D

Petitioner submission of 19 April 2023

PE2009/B: Ensure fair access to Scottish universities for all residents in Scotland and the UK

“Tuition at Scotland’s Universities is free for the Scottish” is a Scottish boast. What comes as a shock to many is that this is not universal, that the likelihood of obtaining a place may depend more on your demographic than your ability, that because of chronic underfunding and poor government policy many capable young Scots are shut out, the only route left to obtain a degree at institutions outside Scotland where they will have to pay.

Freedom of Information requests show that since 2006 there has been an 84% increase in the number of Scottish-domiciled applicants refused entry to a Scottish university.

When Michael Marra MSP asked a question about this at FMQs in January 2023, the First Minister’s response framed this issue as a matter of “deprived” young people versus their “privileged” counterparts. My question is, why does it have to be either/or? Our government tells us that attending university is a desirable outcome, so why isn’t it accessible to all?

The Scottish Government (SG) has complete control of funding for Scottish students. It concedes that its controls on higher education spending produce a cap on the number of places available to Scottish students. The remaining spaces are offered to fee-paying students from the rest of the UK and overseas. Why are these remaining spaces not open to Scottish students? Is clinging to an empty boast about free tuition more important than opening up opportunities for young Scots?

The annual tuition fee per student is also troubling:

Scottish	Rest of UK	Overseas
£1820	£9250	£23,100
		Science £30,400
		Medicine £53,460

The Scottish amount set by the Scottish Government has not increased for more than 10 years notwithstanding the emergence of challenging economic conditions. There is a significant disparity between Scottish revenue and the other categories. From a business perspective, it is not difficult to identify who the most attractive students are to universities, and it is an unpalatable realisation that underfunding has led to a situation where Scottish students have become financially unattractive to their own universities. The question arises, has chronic underfunding made Scottish universities financially dependent on fee paying students from elsewhere?

The Scottish Government's submission refers to Widening Access. I welcome Widening Access initiatives across the education spectrum. The petition and this submission are not intended to advocate for the scaling back of efforts to get more students from our most deprived communities into university. What I would highlight is that as Scottish Widening Access policy has developed, SG has failed to have regard to how their targets interact with their cap and underfunding.

Consequently, all places available to Scottish students on some courses go to students who fall within Widening Access criteria. The response to an FOI request to Edinburgh University shows that in the 2022 Scottish intake to Scot's Law, out of a pool of 387 Widening Access flagged candidates 168 were successful. 0 places went to the 555 remaining unflagged Scottish applicants. A swathe of hardworking young people shut out altogether because they were not classified as deprived. There are 9 more courses at Edinburgh alone where this was the case. With Widening Access targets set to increase in 2026 and 2030, this is not a trend likely to reverse. My questions here are, are we really content with the rejection of these capable young Scots? Are we happy that put off, many might leave, never to return to contribute to Scottish life and our economy?

Moreover, not being classed as deprived covers a lot of ground and does not necessarily mean you are wealthy. Being rejected from university in Scotland might end the university dream for some because they do not have the economic or social support to travel elsewhere.

The assumption is that I started this petition because my children missed out, that is not correct. Others might label me "middle class" or

“privileged”, but that was not how it started out for me. I was the first in my family to attend university where I studied law. That education and experience were transformational for me. I am stunned that this might force my kids out of Scotland, but what actually motivated me to stick my head above the parapet here was that the same opportunity was now blocked for others, and this was largely being hidden from view by the advertisement of “free tuition”.

A society that genuinely values and promotes diversity, fairness and inclusion would seek to maximise opportunities for ALL its young people.

The Scottish Government state in their submission, “We believe firmly that every child, no matter their background, should have an equal chance of accessing university”. I agree, and I invite them to live up to this statement by conducting a review of their funding arrangements for Scottish universities and ridding us of the cap on places.