

## By Email

Our Reference: **22 – 008**

Friday 06 May 2022

The Rt Hon Michelle Donelan MP  
Minister of State for Higher and Further Education  
Department for Education  
Sanctuary Buildings  
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Dear Minister,

### **HE reform and Lifelong Loan Entitlement consultations:**

We recognise that the issues under consultation are framed in the context of student funding and support in England; however, there is potential for unintended consequences for Scotland and the other devolved nations. Our formal response to the consultations on [Higher Education Reform](#) and [Lifelong Loan Entitlement](#) is framed as a letter bringing all these points together. In addition to our submission here, we endorse the submission made by Universities UK.

Many of the issues we highlight centre on the importance of English domiciled students being able to continue to choose the right programme for them irrespective of location, and we seek assurance that any change to student funding will not create unintentional consequences for English domiciled students wishing to study at Scottish institutions.

The quality and regulatory systems in the four nations are different, and in our view, it is important that any regulatory conditions introduced as a result of these consultations do not apply in such a way as to prevent students from accessing their institution of choice. We suggest that where any changes to policy use the wider quality and regulatory regime, these policies draw on the arrangements in place in the nation an institution is located in.

## **Higher Education Reform consultation**

### ***Student finance systems should encourage mobility across the UK***

Students should be able to choose to study at whichever UK institution best meets their needs. UK government policy should support this movement of students and avoid creating any barriers to the flow of students across the internal boundaries of the UK. This movement supports student choice and is often critical in more specialist subject areas.

Scottish institutions welcome rUK students and demand continues to be high. In 2020/21, 13.8% of all full-time undergraduate UK domiciled students at Scottish institutions were England-domiciled [Source: HESA]. Any restrictions to student funding and support for English students wishing to study at Scottish institutions will therefore have a significant impact on Scottish institutions. The figures for individual institutions vary with some admitting a considerably higher percentage than others and the impact would therefore be more focussed on some institutions than others.

The number of rUK students currently studying in Scotland may in fact be higher given the recent changes to fee regulations, where rUK students previously could have been classed as EU for fee paying purposes. We need to ensure that if restrictions on numbers are introduced there is no impact on cross border flows given this size of cohort.

Access to student finance for English domiciled students to study in Scotland should not be restricted by regulatory differences. It is important to recognise Scotland has its own quality and regulatory approaches and measures introduced in England should not apply to Scotland, for example participation in TEF or OfS metrics.

### ***Student number controls should not unduly influence applicant behaviour***

Care should be taken in the introduction of any number control as this can significantly change applicant behaviour and pose potential disruptive impacts on admissions and cross-border flows. This issue occurred most recently in 2020 when DfE briefly introduced an entry cap policy to limit rUK recruitment which negatively impacted devolved administrations, with a potential fees-related penalty for over-recruitment.

An anticipated divergence in approach to regulation can influence applicant behaviour and create unexpected levels of demand in advance of policies coming into force, for example the different approach to treatment of EU fee status students in England and Scotland led to unusual patterns of demand and can destabilise the admissions system.

### ***Danger of inadvertently introducing a two-tier system based on ability to pay***

If access to student support for English domiciled students is unduly restricted, those who can afford to pay upfront would do so anyway. This would create a two-tier system as those who can afford to bypass any controls will continue to do so. The attainment gap reflects disadvantage rather than potential and so there is a danger of further disadvantaging these students.

### ***National scholarship scheme should allow students to study across the UK***

It is important that English domiciled students from disadvantaged backgrounds, supported by this scheme, are able to choose the right courses for them at whichever UK institutions they choose – just as other students are able to.

Scottish universities have invested considerable time and energy in recent years to increasing the proportion of learners from the most disadvantaged backgrounds. This commitment is not only for Scottish-domiciled students, and our institutions would be pleased to welcome more disadvantaged students from England.

### ***Minimum eligibility requirements: a possible Scottish model***

Minimum entry requirements have a potential place as a tool for widening access to higher education for learners from disadvantaged backgrounds, but not as a means of restricting opportunity. Every Scottish higher education institution has set out minimum entry requirements<sup>1</sup> for severely socio-economically disadvantaged students that reflect the best evidence on the level of achievement necessary for successful completion. They set a lower requirement for prior qualifications than is the case for more privileged applicants. The purpose of these minimum entry requirements is to assure learners from disadvantaged backgrounds that the more challenging circumstances in which they have achieved entry qualifications are being taken into account in admissions decisions. These minimum entry requirements have helped Scottish universities increase the proportion of students from more deprived backgrounds. Setting minimum entry requirements for individual courses allows universities to use their expertise to ensure entrants have appropriate prior knowledge and qualifications to successfully complete the course, whilst also supporting access. We commend this model, rather than any attempt to restrict access to higher education on the basis of MERS, which will inevitably hit the most-disadvantaged hardest.

### ***Any minimum eligibility requirements would need Scottish qualification equivalencies***

Some English domiciled students will have obtained some or all of their school qualifications in Scotland and then moved to England, so tariff equivalencies are important. These tariff equivalencies are not straightforward given the different educational systems and learners in this situation should not be disadvantaged.

We further note that the Scottish Government is currently reviewing the main school qualifications in Scotland and there is likely to be a period of further change.

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<sup>1</sup> Except the Open University in Scotland, which operates an open admissions policy.

### ***Mature students often defined as 21 and over***

Many institutions in Scotland treat students aged 21 and over as mature students, so if minimum eligibility requirements are introduced, it would be helpful to exempt those over 21, rather than over 25.

### **Lifelong Loan Entitlement (LLE) consultation**

#### ***The LLE should encourage mobility across the UK***

In Scotland, Honours degrees are at least four years, and integrated masters programmes are five years in length. Moreover, some undergraduate degree programmes across the UK are longer than 3 years (e.g., medicine, integrated masters programmes, architecture). Under the LLE proposals, this means those choosing to study in Scotland (where an Honours degree is at least four years long) would not have access to funding for further study in later life, unlike students studying their undergraduate degree at English universities, which may discourage English domiciled students from studying in Scotland. Moreover, this restricts equality of opportunity at an early stage in a learner's life when future study plans are not yet known.

Under the current system, undergraduate student support in England allows for the length of the programme plus at least one year. We think this is the minimum required in a new funding landscape. As well as allowing for students to take a further programme, which is often essential professional qualifications for practice (for example the LLB Diploma, PGDE/CE, or architectural qualifications), this also allows for students to repeat a year for welfare reasons, or to restart after a 'false' start.

Definitions of study lengths should also accommodate the different pathways a student has taken over the course of their learning such as articulation (studying a HN at college and then moving to university) or an access pathway.

We also seek clarification as to the arrangements for courses that are longer than 4 years, for example Medicine, which can be up to 6 years in length in Scotland, Architecture, Veterinary Medicine, and Dentistry.

#### ***Encouraging use of LLE over a career***

The ability to transfer credit over a longer period of time must be built into a new system and must also recognise the different qualifications/modules/levels in each devolved nation from the outset. We note in particular that Scottish universities use the Scottish Credit and Qualification Framework (SCQF), which is different from the English and Welsh models. However, there are long established equivalencies between levels that will allow mutual recognition (see [Qualifications can cross boundaries: Guide to comparing qualifications in the UK and Ireland](#)). We can advise further on the technical details.

There would also be benefit in considering the length of support availability and the levels of study included. Over a career of around fifty years, in the current context where jobs are no longer for life, the need for upskilling and retraining may well exceed the equivalent of four full-time years of study.

***Benefits to accessing short courses across the UK should be promoted***

As the LLE is rolled out, enabling England-domiciled learners to access modules from Scottish (and Welsh and Northern Irish) institutions will be advantageous. It will allow learners to find a course best suited to their needs. At modular level, there are often specialities in individual universities, and access to courses from across the UK will give English-domiciled learners the greatest range of options for their individual needs.

Many companies have staff located across the UK, and it would be helpful if they could access the right modules wherever in the UK they are based.

Scottish universities have been developing modules to support upskilling and reskilling in recent years and would be able to offer suitable programmes if people are able to use LLE to fund study in Scottish institutions.

***Information and guidance to learners should be made available to learners across the UK***

It would be worth considering how learners will find information on modules available. It is key that learners can find the right courses for them, and learners are likely to need advice and guidance to do this. As provision of short courses increases across the UK, this is an issue affecting learners regardless of domicile or country of provider. It is likely that a central service such as UCAS may need to be established to coordinate available opportunities and it is important that this takes account of the differences and similarities in each of the four nations.

Finally, we look forward to working with you and other stakeholders on how best to represent the best interests of each nation.



**Alastair Sim**  
**Director**