

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.

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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

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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.