



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Equalities and Human Rights Committee

**Thursday 24 November 2016**

**Session 5**



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## EQUALITIES AND HUMAN RIGHTS COMMITTEE 9<sup>th</sup> Meeting 2016, Session 5

### CONVENER

\*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

### DEPUTY CONVENER

\*Alex Cole-Hamilton (Edinburgh Western) (LD)

### COMMITTEE MEMBERS

\*Jeremy Balfour (Lothian) (Con)

\*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

\*Mary Fee (West Scotland) (Lab)

David Torrance (Kirkcaldy) (SNP)

\*Annie Wells (Glasgow) (Con)

\*attended

### THE FOLLOWING ALSO PARTICIPATED:

Lynn Graham (Commission on Widening Access)

Russell Gunson (Commission on Widening Access and Institute for Public Policy Research Scotland)

### CLERK TO THE COMMITTEE

Claire Menzies

### LOCATION

The Sir Alexander Fleming Room (CR3)



# Scottish Parliament

## Equalities and Human Rights Committee

*Thursday 24 November 2016*

*[The Convener opened the meeting at 09:35]*

### Draft Budget Scrutiny 2017-18

**The Convener (Christina McKelvie):** Good morning and welcome to the ninth meeting of the Equalities and Human Rights Committee in session 5. I ask people to do the usual and put their mobile phones and devices on silent or flight mode.

We move swiftly to agenda item 1—our main item of business today—which is our scrutiny of the draft budget for 2017-18. The focus of the committee's scrutiny is public policy in the area of disabled people and British Sign Language users applying to, and attending, Scottish universities. We have some BSL interpreters with us this morning.

I welcome our two panel members. Russell Gunson is a member of the commission on widening access and director of the Institute for Public Policy Research Scotland—welcome back to the Parliament, Russell. Lynn Graham is head of the secretariat to the commission on widening access. I thank you both for coming along this morning and for your written evidence. We have had quite a lot of written evidence from people and organisations.

I will give you both a couple of minutes to make a brief opening statement on your work, and then we will have some questions from committee colleagues.

**Russell Gunson (Commission on Widening Access and Institute for Public Policy Research Scotland):** Thank you so much for having me here today. The topic that the committee is looking at is interesting and important. I want to be clear from the start that I am here as one of many commissioners who sat on the commission on widening access. I do not for one minute think that I am speaking on behalf of the commission as a whole, least of all Dame Ruth Silver, who was a fantastic chair and is more than capable of speaking for herself. Secondly, I am not here as a representative of the Scottish Government. If there are questions on Scottish Government policy, I can give you a view, but I am afraid that I can give you no inside information.

The work of COWA took place 10 years after the last major look at widening access in Scotland,

which was called “Learning for All”. We were conscious that 10 years after that work was a good time to be looking at the issue, particularly given that widening access rates have pretty much been static over that period.

The commission was really keen to take a system-wide approach to looking at the wicked problem of widening access. Often, within a large system such as post-16 education—or, beyond that, education more generally—parts of the system are able to blame or point to other parts of the same system as the reason why a problem is still there. We took a system-wide approach to avoid that kind of scissor-paper-stone mentality.

Over those 10 years, many bits of practice have built up within the sector. Loads of activity is happening around widening access, and we wanted to help the sector as a whole determine what was good practice versus what was merely practice.

Finally, we wanted to look at moving away from the idea of a deficit in the individual when it comes to access. Too often, you can look at an applicant, student or graduate and argue that there is a deficit in relation to that individual's grades, skills or knowledge. For us, if there is a widening access problem, it is a system problem. The deficit is in the system, not in the individual.

We took evidence throughout the commission's work. We put out a call for evidence and had a number of study visits out into the sector. We also broke the commissioners down into expert working groups on some of the key issues within widening access as we saw them.

In our final report, we made a large number of recommendations. Among the 34 recommendations, a key recommendation was to have a target whereby students from the 20 per cent most deprived backgrounds should represent 20 per cent of entrants to higher education by 2030. We made recommendations on access thresholds, by which I mean the grades that are required to do a course as opposed to the going rates; we looked at a very different way of doing admissions in the future—we can go into that in questions. We also recommended the establishment of an access framework, which would look very much at nudging activity towards good and impactful practice, and the appointment of a commissioner for fair access—I understand that the Government is in the midst of appointing one.

COWA's remit was clear: it was focused on deprived communities. Given our focus as a commission on socioeconomic factors, we did not look directly or in great detail at issues such as BSL and the needs of disabled students, although there are intersections between deprivation and

those issues. However, because we understood that those intersections existed, we made the key recommendation that the commissioner should look at other protected characteristics in the context of widening access. We understand that more work will be required, which the commissioner will be taking on.

In the 10 years since widening access was first looked at, only incremental progress has been made. As a member of the commission, I hope that we will see much more of a step change on widening access over the next 10 or 15 years, and I hope that the appointment of a commissioner and the implementation of COWA's recommendations will have that result.

**The Convener:** Does Lynn Graham have anything to add?

**Lynn Graham (Commission on Widening Access):** Russell Gunson has covered the commission's work. I was involved right from the commission's inception and the consideration of its remit and scope through to publication of the final report. I now lead the access team within Government. The team has a number of dual roles. We will continue to support ministers in developing policy on access, and we will lead in co-ordinating the implementation of the commission's recommendations. In addition, when the commissioner for fair access is appointed, we will support them in taking forward the recommendations that apply to them and will help them to act as an advocate and a leader on the widening access agenda.

**The Convener:** Thank you very much.

You will realise that the committee's work is about equalities and ensuring that people have equal access. The first bullet point under recommendation 1 was that a commissioner should be appointed to

"lead cohesive and system wide efforts to drive fair access in Scotland ... acting as an advocate for access for disadvantaged learners and holding to account those with a role to play in achieving equal access."

Over the course of our inquiry, we will meet admissions officers and disability officers, and we will go into that issue in more detail with them. That is an excellent first principle, but it is very wide—it does not relate only to deprived communities. In the work that we do, we have realised that, in any situation, there is never just one protected characteristic; they all overlap. In many cases, people who come from places that are recognised in the social indices as areas of multiple deprivation have a disability as well. Therefore, it is not just a case of providing equal access for people from impoverished backgrounds. There might be additional issues to do with disability—and the committee's inquiry will

specifically look at access for people with disabilities—or some of the other protected characteristics.

In your work on the commission, did that connection come through? Can you give us an insight into the work that you did across the deprivation indices? In some cases, was it a cart-and-horse situation as regards whether someone came from a less well-off socioeconomic background or had a disability?

09:45

**Russell Gunson:** The briefing that was put together for today's evidence from the Joseph Rowntree Foundation and the New Policy Institute was very interesting. It confirms a number of other reports that suggest, for example, that having a disability makes someone much more likely to be in poverty and limits life chances in and of itself. With regard to the commission's focus on socioeconomic factors, there is a logical link that suggests that, by increasing the number of people in university from more deprived socioeconomic backgrounds, we may be able to do the same for disabled students.

The commission's remit was to focus directly on socioeconomic factors. We were aware that there were things beyond our remit that absolutely must be looked at, which is why the committee's work is vital. In addition, the commissioner, once appointed, needs to focus on the issues that the commission simply could not.

Beyond that, from the evidence that we took and the visits that we undertook, we were aware of factors such as multiple deprivation, that went beyond our remit. The recommendations were very much focused on socioeconomic factors. However, as I said in my opening remarks, the principle of our approach of looking at the issue from a systems point of view plays into the idea that, by focusing on one indicator, a wider range of disadvantage could be missed. Taking a systems approach would allow the commissioner to take a rounded view of disadvantage in general.

**The Convener:** In general, when people find a barrier, it is the barrier that is identified as the issue and not the other things around it. If you are talking about taking a systematic approach to reducing barriers or removing them completely, that is a good way to go. Can you give us examples of barriers that the commission identified and the work that has been undertaken to either reduce or remove them?

**Russell Gunson:** Yes. The admissions system, which you have mentioned, was one of the clearer areas of focus for the commission. There are a number of different ways to approach admissions. There is the fairness question around who can

benefit the most from the opportunity to get into university. There are supply-and-demand factors—if a given institution has a set number of places, it has somehow to reduce the number of applicants down to the number of places that it has. Equally, there is the question of who, given the opportunity, would do the best and achieve the most. Those three approaches are not by any means the same; they would point you in different directions. Getting into the admissions system was a very interesting part of the commission's work.

The point we reached was that it was very much about fairness. It was also about seeing opportunities to get people into university who have huge potential—the potential to do the best—but whom the system is missing, probably because of the supply-and-demand factors. I imagine that the same would apply to other forms of disadvantage, too, although the commission did not look at those specifically. If you are asking yourself, “Who would benefit the most from the opportunity?”, as opposed to some of the other questions that I outlined earlier, that might point you towards different people accessing the university opportunity that is on offer.

Lynn Graham may have something to add to that.

**Lynn Graham:** The commission looked at those with socioeconomic disadvantage, but also at those with care experience. We identified barriers for those with socioeconomic disadvantage and proposed solutions to that. Then we looked at those with care experience to see whether they had different barriers over and above socioeconomic disadvantage that those solutions would not assist with.

I think that the position would be similar for those with disability. A lot of the barriers for those with socioeconomic disadvantage were to do with being born into a household where no one went on to higher education; with not having finances to access the extracurricular activities to build up their profile for an application; and with not coming from a culture where a lot of their peers went to university. Of course, that is not necessarily the case for someone with a disability who was born into an affluent family and went to a high-progression school, who might not face the same barriers.

There are other barriers around the attainment levels reached by those from socioeconomically disadvantaged backgrounds. We know that they have lower attainment. We also know that the ability to reach their full potential of people who have certain disabilities might be limited by those disabilities.

It is about looking at the overlaps and identifying where some of the recommendations will help,

although there are different groups for whom they might not be necessary. Also, those who have disabilities will face challenges around communication and access, for example, which would not necessarily be an issue for those who come from a socioeconomically disadvantaged background.

Although there are links between disability and poverty, we have to look at the barriers and decide for whom they are relevant. From that, we can decide which parts of the commission's work will help those who have a disability and identify the additional areas that we have not tackled but which need to be looked at.

**The Convener:** That is helpful, thank you.

We move on to questions from members. Willie Coffey is first up.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I was pleased to hear Russell Gunson say that the deficit is in the system and not in the individual. That is an appropriate recognition that many of the barriers to equality of access lie not with individuals at all but with the systematic way in which an issue is approached.

For me and many others, reaching a solution will be a long journey. Raising attainment is one aspect, and admissions policies are another. The paper that we have in front of us talks about having to look at “wider contextual admissions policies” and “non-academic factors”. I am keen to explore what you mean by that. What barriers are youngsters facing in relation to those aspects of getting into university?

**Russell Gunson:** I went a little bit into the different roles that an admissions system attempts to play at the same time. In taking evidence and doing its work, the commission found that, for many institutions, contextual admissions policies existed, but in very different forms.

A contextualised admissions policy is not just about looking at the grades of the individual but about trying to get a much more rounded understanding of the person's interests, talents and potential to achieve. Most universities have a form of contextual admissions, but the forms can vary quite widely. Making different grade offers depending on the individual's background would be quite an extensive form. Someone from a particular background having an opportunity to top up their grades at a summer school would be another form of contextualised admissions. A more baby-step form might be to look at the personal and supporting statements that most applicants have to make as they go through the Universities and Colleges Admissions Service process to determine their interests and potential factors in their backgrounds. All of that is there so that information can be gained about the

applicant's true, wider context and the best possible judgment made about whether they should get a place.

A theme that runs throughout most of the work that we did is that we want the system to be evidence based, driven by data and the most impactful activity that is going on in the sector. Our institutions do not always understand the impact of their actions, so we need to get a little bit more information on whether their admissions systems are having a positive effect on their targets—on what they want to achieve in widening access. That link is not always there.

There is good will and a lot of good intentions out in the sector, and lots of amazing activity is happening. We need to understand which parts of that activity are having the greatest impact on access and focus on the parts that are having that impact.

**Lynn Graham:** The access thresholds came about from the evidence we found that people from socioeconomically deprived backgrounds who got into university, perhaps with lower grades, did as well as, or better than, their peers with higher grades. It comes back to how well someone's school attainment reflects their true ability and potential. If someone from very difficult circumstances and a very difficult background has attained a certain level on leaving school, what is their potential in comparison with someone who has had a lot of support and attained the same level?

Some people have a disability that will not have any effect on their school attainment or hold them back in any way, whereas for others, their disability may hold them back from achieving their full potential. It is about looking at that and seeing how well their grades reflect their ability.

Our feeling was that people's chances should not end when they finish school—that should not be the marker. They should not be told, "That's you. We will assess you at the end of school and that is it." If there is a chance for people to catch up and be successful in higher education, that opportunity should be available.

**Willie Coffey:** Is there any data from the universities that shows what is happening? Is there any evidence that the admissions policies are compounding inequality of access, or are they making things better?

**Russell Gunson:** That is a really good place to start this inquiry and the wider work of the commissioner, once appointed. In the widening access work that the commission did, we received evidence to suggest that, as Lynn Graham just said, although people from more deprived backgrounds are on average—but only on average—likely to attain less well at school than

those from more privileged backgrounds, at university level that factor did not exist. In short, someone from a more deprived background could have lower grades at school, but perform just as well at university as someone with higher grades from a more privileged background.

As far as I know, we do not have the evidence on disabled pupils and whether a disability is likely to lead to lower attainment at school, or on that second step, which is about whether that level of attainment holds all the way through university or higher education more generally. I suggest that the question "Are admissions systems indirectly compounding a disadvantage that exists at school?" is exactly the right question to ask.

**Willie Coffey:** Lastly, if I have a moment, the 2030 target for 20 per cent of the entrants to higher education to be from the most deprived backgrounds applies as a whole. That still allows certain circumstances or certain universities not to meet that target, if others exceed the target. How can we address that so that there is equal access to all universities?

**Lynn Graham:** We are aware of the variation of access profiles for learners across different institutions. There is a target that all institutions should reach 10 per cent of entrants from the most deprived backgrounds by 2021. There is also an action for the Government and ministers to review that target and decide whether to set a new target for individual institutions.

On the one hand we want all institutions to be doing their bit, but we also recognise that people from disadvantaged backgrounds are perhaps less likely to travel to study, so the profile of the population across the country affects that, as do different subject choices. Institutions are different, but we are very clear that every institution has to make its contribution, and at the moment the commission saw fit to set the target at 10 per cent by 2021, which is quite a big step for some institutions. That will be reviewed thereafter.

10:00

**Russell Gunson:** It would not be a success to achieve that 20 per cent by 2030 target by, for example, higher education in colleges fully taking the strain. Currently, the number of students from more deprived backgrounds in higher education in college reflects society as a whole—in fact there is a slight overrepresentation, if that is not too negative a way to put it. If you pushed that too far to achieve the 20 per cent target, you would have met the target but you would not have achieved what we wanted, which was for there to be fairness across the system. Likewise, as the question suggests, if this was all done on the

backs of the newer universities rather than the older institutions, it also would not be a success.

As Lynn Graham said, there is a floor target—every institution will need to get to 10 per cent by 2021—and there is a suggestion that that should be reviewed over time. If we try to narrow the differences between institutions in the sector, that would look a lot more like success, rather than having a very imbalanced pattern of access, although the overall target has been met.

The point is not meeting the target—the target is there to achieve the end goal, which is to have fairer access to higher education in Scotland.

**Jeremy Balfour (Lothian) (Con):** I thank the witnesses for coming. I was interested in Lynn Graham's comment that once people get to university they do as well as, and sometimes better than, those who come from more privileged—I am not sure that I like that word—backgrounds. Could you provide us with data on that or point us in the right direction to get it? One of my questions would have been whether there is a higher drop-out rate for students from more deprived backgrounds. I struggled to find that out, so perhaps you could email us that information.

I am interested in coming at this from a different perspective. In the past few weeks, I have met a couple of university principals from the Lothians and everyone agrees with the recommendation for that 20 per cent target. However, given that there are fixed numbers of students, what do you do about those people who achieve the grades but do not get a place because there is not enough room for the privileged? How do we avoid discriminating against someone who gets, say, five As and wants to read medicine, but is perceived to come from a privileged background and does not get a place because the university numbers are fixed? Have you given any thought to how we would avoid discriminating against those people?

**Russell Gunson:** The commission gave a great deal of thought to that and to what we call the displacement of students who are currently in the system through widening access. There are several different ways of looking at this. First, we want to get the right people into the higher education sector, but what does that mean? Who are the right people? Currently, the system is set up to say that the right people are those who get the best grades at school and those are the people who are entitled to, or deserve—whatever word you wish to use—a place at university. However, the evidence that Lynn Graham can send across to you suggests that there is a bit of doubt about whether that assumption—the connection between school grades and achievement at university—is correct. I challenge that implicit judgment—not in your question, but from others who put that point of view—that

somewhat people who deserve a place would be pushed out, because that judgment may not be correct.

Beyond that, the question is what we are trying to achieve with our higher education system. It is not one thing, but a whole number of things. There is a judgment about whether we have struck the right balance between fairness and allowing for the deficit in the individual as opposed to deficit in the system. Do we have the right focus there? Is it just an individual's problem because they did not attain well enough at school and do not have the knowledge and skills to get in, or are we taking responsibility as a system to say that we need to do better at getting the best out of as many people as we possibly can?

You mentioned the fixed number of places. Systems are rationed in different ways. Even in the system in England, which has very large tuition fees, no real public sector cash investment and supposedly uncapped places, there is still rationing and some people are pushed out. We were very conscious that even if you get access correct, you may just be kicking inequality a bit further down the system. What about retention? If you have access to a broad number of people are you potentially setting them up to leave early? Furthermore, what about graduate outcomes? If you get retention and access right, are you setting up inequalities at the point at which people want to get a job or start a career? We must think about the issue in the round and system wide. Access is not just about access through the door; it is about people staying in higher education and going out at the other end into a career and life that they enjoy and find fulfilling.

**Jeremy Balfour:** I know the Lothians best because it is the area that I represent and live in. I am slightly concerned that we could end up with a situation in which, because someone goes to a certain school that is seen as privileged, they could then be discriminated against when they try to get into university.

We need to hold that balance between the 20 per cent and the rest, and we may need to look at whether the number of capped places needs to be increased. However, that is not for this committee—it is a wider issue.

My second question leads on nicely from what Mr Gunson said at the end. Going to university or college is not just about academia. It is about the whole experience—making friends, socialising, joining clubs and societies and so on. It is a very broad experience. Is that a barrier to people coming in? Even if they can do the academic side of it, if someone is moving to a different part of the country, the thought of socialising or a false picture of what college or university is like might prevent people from going, particularly perhaps

those with a disability. How do we break down that barrier? Is work already being done around that?

**Russell Gunson:** I mentioned retention. The question is about the wider experience of going to higher education. Actually, retention and people's experience are very linked in the evidence, which suggests that the more someone feels at home—the more they feel that they belong at the institution that they are at—the more likely they are to be retained through to the point of qualifying. Higher performance is more likely, too. Those two things are very much linked.

There are a few factors involved, some of which are around deprivation but it can go wider than that. For example, students who live at home as opposed to students who move out of home and live close to campus—I am talking about young students, rather than mature students—are a bit more likely to drop out and not be retained. Equally, there are risks for distance learners and part-time learners; we would guess that that is because of the factors around not feeling part of the wider experience.

Student associations in particular are working on that issue. I should say that I used to work for the National Union of Students; I do not know whether that is an existing conflict of interest, but there is a risk of a past one. Student associations can be vital in the process. I know absolutely and intimately that they are very focused on equalities more generally and on being as accessible as possible to the full student body. Beyond that, the institutions are doing a lot too.

In response to the last question, I should have said that it is not just the target and it is not just the commissioner. An array of different parts of the system is focused on this, so people are not focused on a blunt target. There are outcome agreements, for example, which you will hear a bit more about when you speak to the Scottish Further and Higher Education Funding Council. The outcome agreements focus on quite a tailored set of ambitions for each institution, so if there is a particular problem with retention or whatever it may be, the outcome agreement can focus the minds of the funding council and the institution on that problem. The institutions are doing a lot in that area, but the student associations are one of the key ways of achieving success.

**Mary Fee (West Scotland) (Lab):** Good morning and thank you for your written submissions. I have a couple of questions on the practicalities of the recommendations and what they would actually look like. Recommendation 1 says that the commissioner for fair access should "lead cohesive and system wide efforts to drive fair access".

The convener touched on that point in her opening comments.

Can you give us a bit more information on what you think that would look like in practice? A policy to improve access and make it cohesive cannot be one size fits all, because it has to encapsulate all the different areas that you are trying to cover. What do you think that policy would look like?

**Russell Gunson:** To some extent that is not for me to say. I can give you my view, and I will, but it is not my decision.

There was a large debate in the commission about where the commissioner should sit in the architecture of the system. There were good strong arguments to suggest that it should be within the further and higher education parts of the system. The argument against that was that there needs to be a system-wide approach and that schools and, potentially, employers need to be included around the system as much as the FE and HE part.

That is a good place to start leading that cohesive approach. The point of putting the commissioner in the place that they will be in was so that they would be best able to look across the whole of the education system at all the factors.

Although we have had quite a static record in widening access during the 10-year period, over the two or three-year period, we have seen increases. They are not, shall we say, scintillating, but compared with where we have been, they are progress in a way that we have not seen before. A number of things that all happened at a similar time could be driving that. One of those things is the outcome agreements that were introduced. Secondly, there was the prospect of legislation in the Post-16 Education (Scotland) Act 2013 that was being mooted at the point at which progress began.

However, my hunch—and it is only a hunch—is that the political focus of all the members around the table, in Parliament and more generally has never been stronger than it has been in the past four or five years. That seems to be driving progress. In my view, therefore, the commissioner can drive that cohesive approach by being a real conduit and point of influence across the system, including challenging the Scottish Government and Parliament, and by providing political focus on widening access so that we do not lose some of the progress that we have achieved.

**Mary Fee:** You are saying that it is less about a prescriptive policy to widen access and more about political awareness. You are almost saying that we have an open door but we need to keep pushing at it.

**Russell Gunson:** We also need to learn from what seems to have been working during the past three or four years, in terms of that data-driven evidence impact element that I mentioned earlier and what has succeeded in focusing people's minds. The commissioner will be key in keeping the foot to the floor on the progress that we see.

**Lynn Graham:** I echo what Russell Gunson has said. The feeling among the commissioners was about what would happen when we handed over the report. The commissioners had looked at the process as a system-wide effort and there was a feeling that everyone would go back to their own part of the education system and concentrate on their part in it. That was part of the reason for having someone who would be able to look across and independently assess how all parts of the education system were performing to meet these goals.

Although the effort is cohesive and system-wide, that does not mean that it is the same for every individual. It is more about the system working cohesively, developing a framework for fair access in which we are pulling together knowledge of best practice, how to implement different initiatives and how to evaluate them, and the better sharing of data across the system. Those aspects cut across where it would be beneficial to have a person overseeing and championing that and holding people to account when progress is not being made.

**Mary Fee:** You spoke earlier—and it is in recommendation 21—about young people who have a care experience and their potential need for more flexibility within the system. I appreciate that you are making the recommendations and not devising the policy, but do you mean flexibility in the way in which young people with a care experience go through higher and further education, or is it flexibility in the support package? It strikes me that it is not just people who have a care experience who may need more flexibility; people with a range of disabilities may need it, too. Why does that recommendation focus specifically on a care experience?

10:15

**Russell Gunson:** There were a few things that Dame Ruth Silver repeated often—in a very good way—and one of them was, "If in doubt, go back to your remit." We did that at times, because this area is so expansive. We talked about how the commissioner can achieve the aims over a longer period than the commission had to look at it. The care-experienced young people element came through quite strongly in the remit.

At least two recommendations focused specifically on care-experienced young people,

although it could be argued that many, if not all, of the recommendations touch on those potential students. One of those two recommendations was the entitlement to access if the student meets the access threshold, and the second was replacing loans with grants for student support.

On the first of those recommendations, what we found more generally for widening access students relates to what we said earlier about the idea that lower attainment at school does not necessarily lead to lower attainment at university or in higher education. That, plus lots of other more detailed evidence, made a case for an access threshold that almost removed access students from that demand and supply factor.

For care-experienced young people, there was an added element of disadvantage. Moving from an access threshold that was almost by guidance to one that was an entitlement for the student seemed to make sense, particularly given the numbers, at this point, of care-experienced young people who go into the system. That speaks to the displacement point from earlier.

I wonder whether the second recommendation, on student support, is even more relevant to disabled students. In general, there is not a huge amount of evidence that improving student support leads to access for larger numbers of people from disadvantaged backgrounds. As far as we know, there is no connection there, although one of the recommendations was that that should be looked at. You can imagine a close link between retention and student support. If someone does not have enough money to live on, they might work too many hours in a paid job to top up their income, they may simply be unable to attend, or the stress and strain of it may get too much for them. Given the additional costs that many potential disabled students have, I imagine that the student support system may be more of a factor for disabled students than it is more generally for disadvantaged students.

I have talked you through the thinking about those two recommendations in relation to care-experienced young people. Both of them could be relevant to disabled students, but the student support element is particularly relevant. I cannot remember its number, but there is a recommendation to look at the student support system quite early on, once the commissioner has been appointed.

**Mary Fee:** Thank you. That was very helpful.

**Lynn Graham:** I have two things to add. First, part of the flexibility in student support was around entitlement to a student to come back if they had dropped out, or to spread their study and go part time rather than full time, if that was easier. There are provisions in place for disabled learners to

have a bit more flexibility and to receive funding for different modes of study.

Secondly, there will be a review of student support. An independent review to look at student support in the round started in October and is due to report in autumn next year. As Russell Gunson said, there is a specific recommendation that the commissioner should look at the impact of finance on access and carry out research on that within three months of appointment. Hopefully, we will start to get more information on that. The decision that the commission needed to make was on where the best place is to invest resource. The feeling was that a lot of barriers were holding people back before they got to that stage. Care-experienced youngsters were not even getting to that stage. We need the evidence to say what specifically would make a difference to different groups of learners.

**The Convener:** I want to pick up on a point about a very discrete and specific issue. It is something that was raised with me by one of the supported accommodation organisations in my constituency—Blue Triangle (Glasgow) Housing Association Ltd. It concerns care-experienced young people who have left the care system, gone into their own tenancy, the tenancy has failed and they have ended up in supported accommodation. When they attempt to access a course above national certificate level, such as a higher national certificate course, they lose their housing benefit support. I know that you were talking about student support once a student has started, but one of the barriers that there seems to be for care-experienced young people—and for homeless young people, who have their own vulnerabilities—is that they cannot progress through an academic career because the level of funding to support them in their accommodation would fall, so they cannot afford it.

Did your investigations with care-experienced young people show that that was a huge trend, or was it something that did not register?

**Russell Gunson:** That came up more on the further education side of things. There were potential delays between starting a course and accessing student support payments or bursaries, and the potential for that bursary to be varied during the course or to be ended early. Most of all, there were some logistical issues to do with showing proof of residency and proof of ID. Some aspects of the system rely on the student having parents. That is the default, and the system can sometimes be very difficult to navigate for those who are not in that position. Again, it is all to do with head winds and tail winds. It is not impossible, but if we put a whole heap of difficulty in the way of someone who has already faced large barriers, we cannot expect the chances that

they will go into FE and HE to be the same as the chances that others will do.

The issue came through a bit more strongly to the commission on the FE side of things but, more generally, the interaction between the benefits system and the student support system could be improved. Potentially, the devolution of some benefits and the ability to create new devolved benefits might help but, overall, regardless of where the power sits, the interaction between those systems needs to be a bit smoother than it is now. It is the people who are furthest away from being able to access that education who tend to be affected.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Good morning and thank you for your presentations and your written evidence. I have two questions, each of which is connected with opposite ends of that academic journey. I will take the first one first, obviously.

We know from successive reviews that educational attainment in care-experienced young people is particularly hampered by the very particular behavioural needs that they have, which are connected with trauma, attachment disorder and loss, and by the fact that teachers and educators are not equipped in training to deal with those very special behavioural needs. That is a circle that we have yet to square.

What scope does the commission have to work with schools—right back to primary schools—to equip them to identify the barriers to other marginalised groups, particularly students who are affected by hearing loss, sight loss or other disabilities, and to work with educationalists and the institutions that accredit our teachers to break those barriers down before we even get to the admissions process?

**Russell Gunson:** A large focus of what the commission looked at during its time was what was going on out there, particularly in terms of institutional outreach. There are some centrally funded programmes through the Scottish Further and Higher Education Funding Council and others, but we were particularly interested in what the institutions were doing. A lot of outreach work is focused on particular schools or backgrounds. There are a few programmes that are focused on particular types of students, such as disabled and care-experienced young people, and those types of activity could be the best.

We found that those outreach programmes were not necessarily focused on evidence. We have outreach that is quite broad sometimes—particularly the earlier into the school system you go—and that is not necessarily focused on those pupils who would otherwise not enter higher education, although that is a very hard judgment to

make in respect of four, five or six-year-olds. Secondly, the programmes are not necessarily focused on what works. Those two things are key learning points from the commission's work that we tried to factor in through the framework. The framework is about building evidence of what works and what is good practice for including particular groups of potential students, and focusing institutions' activity on those things.

That was the general picture—there was quite broad-brush early intervention, which was not necessarily focused on the pupils that it should be focused on or on the impact. However, we want to try to address both those things.

**Alex Cole-Hamilton:** We have heard a little bit about retention: keeping the students who have made it through the admissions process. When I was president of Aberdeen university student representative council—in the dim and distant past—I sat on the university court. I remember asking the vice-chancellor of the university, when we were talking about admissions and retention, what happened when a student went to the admissions department for an exit form to leave their degree. I was told that nothing happened: there was no counselling and no discussion about why the student wanted to leave their course.

It strikes me that that is still a bit of a problem in our tertiary education institutions, which particularly affects those marginalised groups who still face barriers to learning in their progress through their degree. What can the commission do to build in support at that very last stage, when students are asking for an exit form? How can we intervene to ensure that we retain them in education and break down the barriers that have led them to that point?

**Russell Gunson:** Recently, institutions have begun to make interventions through things such as flagging systems, whereas before, as you described, people knew that a student had dropped out when they did not turn up any more. No effort was necessarily made to bring that student back in, to work out why they had dropped out or to give them a different opportunity. I get the feeling that things have improved from a low base in the system—that is just my view, rather than that of the commission.

Looking ahead, it is the work of the commissioner that will matter the most. There are some really interesting projects out there that look at some of the factors that might lead to retention problems—for example, if someone is not turning up to tutorials or lectures, what do you need in place to know that and, once you know it, what do you need in place to make an intervention that prevents a drop-out? In recent times, there has been a big increase in awareness of mental health disabilities at university. It is very important to

have the right systems in place to manage such health problems and disabilities.

Finally, there is the outcome agreement process. Again, that is quite a system-based or techie way to approach what is a very human problem. Where there are retention problems across the whole institution or in particular subject groups or cohorts of students, the outcome agreement process should be able to tailor a response for each institution to address that.

I should have said this earlier but, as the committee will know, we cannot think of disabled students as one cohort, because there are so many types of disability. It is interesting to look at whether there are barriers to potential disabled students as a whole, but whether there are barriers to students with particular types of disability is a focus that the committee might want to consider.

**Alex Cole-Hamilton:** That point is well made, particularly as we cannot just homogenise the various groups of disabled students who go through our universities. If I may, convener, I suggest that a job of work for the committee would be to identify the vital data that exists on those students who leave our academic institutions because of barriers related to their disability.

**The Convener:** That is noted.

**Jeremy Balfour:** Leading on from Alex Cole-Hamilton's point, does the 20 per cent target for universities apply across the universities?

To be very basic, I was probably never going to have a great medical or dentistry career because of my disability. For people with some disabilities, there will be a barrier that is put up not by society but by their disability. Certain courses will probably not be appropriate for some disabled people. Does the 20 per cent figure apply across whole universities? On the other hand, we do not want to discriminate against people with some disabilities in some faculties. Are we going to break down the figure to faculties at particular universities, or is it 20 per cent across the whole body of a university?

10:30

**Russell Gunson:** The target by 2030 that the commission recommended and that has been accepted by the Government is on socioeconomic deprivation. It is for the higher education system as a whole across colleges and universities. There are other elements to the recommendation, though. For example, one is to have floors, to ensure that, as we talked about earlier, there is not a huge disparity between different parts of the system.

For disabled students, the issue of particular trends, whether by course, area or institution or in

the system as a whole, rests on the outcome agreement process. I imagine that you will hear a bit more about that from the Scottish funding council when you take evidence from it. Whether the commissioner wants to look at the issue in a bit more detail would be up to them, but the recommendation is there for them to do so. Equally, the work of the committee on the issue could be interesting for the commissioner.

**Lynn Graham:** There are recommendations in the commission's report on improvements to data sharing, monitoring and analysis, and the development of a framework for fair access. We clearly said that, in taking forward those recommendations, we need to be mindful and inclusive of other groups so that we do not just do that for the socioeconomically disadvantaged or those with a care experience. For example, the framework for fair access will look at best practice across the system. It will look at what works and what does not work on retention. The improved monitoring would provide regular hard data so that we can see how things are changing and how they differ across the sector.

With a number of the recommendations, the commission has said that we should take account of other groups. We should be inclusive and build the system so that it covers all access and is not just for that group of students.

**Willie Coffey:** I want to follow up on the point about accountability and scrutiny of the whole thing at the end of the process when, we hope, it is working. I know several youngsters who met the entrance requirements for various universities but still did not get in, because they had to overcome some other process, such as writing a letter or saying something about themselves. However, it was never explained to them why they were rejected. At the end of the process, will people be able to see why those decisions have been made about youngsters so that we can all be assured that fairness has been applied in deciding on the applications?

Who has the most ground to make up on the issue? Is it the ancient universities? Do we know what the pattern is and who has the most work to do?

**Russell Gunson:** We had a big focus on accountability in and scrutiny of individual admission decisions. Sometimes for good and fair reasons, universities keep the intricacies of their admission decisions secret or at least private. I say that it is for good reasons, although I do not mean to suggest that I agree with it. However, I can understand it. Certainly down south, when institutions have been much more public about being a bit more proactive in the area, they have faced a huge amount of pushback, potentially from families that might be displaced out of the system

and certainly from media outlets that seem to think that they represent those families. Therefore, institutions do that for good reasons, in the sense of understandable reasons.

The commission absolutely wanted much more openness and transparency on the issue. In essence, we are giving cover to institutions to move to a much more proactive approach. If they get grief from people or media outlets for doing that, they can point to the commission and to the Government's backing of the commission's work. That is the theory.

There is a particularly easy move that can be made to access thresholds. Some of the recommendations in the commission's report are about admissions. We wanted the institutions to be very transparent, and there is a recommendation about making sure that their admissions systems are clear and much more fair and transparent.

On who has the most ground to make up, that is a tempting question to answer, I must say. We can look at the statistics and see that the institutions that have the fewest students from the most deprived backgrounds tend to be the older institutions, but there are mitigating factors. They would certainly argue that attainment at school level is a big factor. Therefore, if five As are needed to get into medicine—and that is an if; a judgment should be made about whether that is required—fewer people from more deprived backgrounds get that level of grades.

To cut through that issue a little bit, overall, I would like—this is a personal view—those institutions with the most still to do to take more ownership of the fact that they still have more to do. They can by all means point to attainment in school, but they should get in there and begin to affect attainment in school; they can by all means say that people need a certain level of grades to get into their institution or to do a subject in that institution, but they should check that, do the work, get the evidence, make the case and not just assume that that is how it should be because it has been the case for the past 20, 30 or 40 years.

The ownership issue—this is nobody else's problem; it is the institution's problem—is really important. If an institution does not have a strong enough record on admissions, it needs to be asked what it is doing to change that. I would not go quite as far as saying—as some people do—that the ancients are terrible in that regard, but they need to get better and there is a lot of good work going on out there. I would nudge it much more in the direction of asking what they are doing about the issue, rather than asking who else is failing and therefore leading to their record.

**Mary Fee:** I have a brief supplementary on that point. Is there any sharing of best practice across the higher and further education institutions about the best way to go about widening access and encouraging more people to apply?

**Russell Gunson:** The first step in that is knowing what works and what does not work. In the past, not enough research was done—that is quite ironic for research institutions—on what works, but that is changing.

On the sharing of information beyond that—once you know what works—there are factors that push and pull on that. Collaboration could be a powerful tool in widening access, but some institutions feel that they are in competition with one another on widening access more generally.

That first step was a big focus of the commission and, through the recommendation on the framework and other recommendations, it tries to tell what the good practice was and what was having an impact. The second focus was to promote that across the sectors, so that institutions can begin to focus, whether in collaboration or otherwise, on what has worked elsewhere. Things cannot be transplanted. The institutions are different—they are based in different areas and they do different subjects. However, they can begin to be inspired or to take learning from other places that have done well.

**The Convener:** We are pushing past our time with you this morning—we appreciate your patience. I have two quick questions to ask. The first is on the timescale for appointing the commissioner. Do we know when they will be appointed? The second is about the intrinsic work of the committee—equalities and human rights. Is cognisance taken of a rights-based point of view in all the work that you do? All of us here are pushing for all policy in this place to have a rights-based aspect to it. Will you give us a few quick thoughts on that?

**Russell Gunson:** On the timescale, all that I can possibly say is that the commission made a recommendation that the commissioner should be in place by the end of 2016. We are not there yet. I do not know whether Lynn has anything else to add.

**Lynn Graham:** No. We are working on it. Officials are speaking to ministers about it, and we are still working towards that deadline.

**Russell Gunson:** On the rights-based issue, that was in our minds throughout. It is absolutely fundamental to many human rights. The ability of people to reach their full potential and to lead the most fulfilling and high-quality lives and careers that they can is fundamental to much of what we care about in human rights and the rights

movement more generally. I see the issue as absolutely fundamental to that movement.

**The Convener:** I thank you both very much for your evidence. We have exhausted our questions, but we have not exhausted the topic, as you can imagine. We will go into much deeper detail on disability and British Sign Language issues. Thank you for your work with us this morning. We hope to work with you again in the future.

10:40

*Meeting continued in private until 11:02.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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