

Changes to Residency Criteria for Access to Financial Support in Further and Higher Education — March 2023

Introduction

Colleges Scotland is the voice of the sector, supporting the delivery of thriving colleges at the heart of a thriving Scotland. When Colleges Thrive, Scotland Thrives. As the membership body, Colleges Scotland represents all 26 colleges in Scotland, which deliver both further education and around 24% of the provision of all higher education in Scotland.

Colleges across Scotland host a range of international students through a combination of on-campus and off-campus accommodation and provide wrap around support for these student cohorts, ensuring they have access to student support funding and pastoral support services to ensure their engagement in learning and teaching activity.

Key Points

Do you agree with the overarching policy aim that students need to be able to demonstrate a connection to Scotland in order to obtain financial support from the Scottish Government for their studies?

Yes.

Please provide any relevant comments you may have in regards to your answer at question one.

Colleges Scotland is responding on behalf of the college sector and the following comments have been provided.

Demonstrating a connection to Scotland is needed to prohibit individuals from coming to Scotland solely in order to access financial support/public funding. We need to ensure those who access funding are willing to benefit the economy when their studies are complete and are not solely using the Scottish education system to fund their studies which may be more expensive elsewhere.

Demonstrating a connection to Scotland also highlights people are not only here for studies, but they wish to settle in Scotland long-term whilst contributing to the local economy.

One respondent felt that in practice this does not work due to cross-border residency issues where students will have been schooled wholly in a Scottish setting but stay on the border with an English postcode. These students will not be entitled to any student support package or tuition fees, making it difficult for colleges to provide a continuing education to a young person who was previously educated within the Scottish system. The respondent suggests that if the student is eligible for Young Scot then this criteria is used to determine eligibility for tuition fees and student funding support.

One respondent highlighted an issue concerning dependents of services personnel. The respondent commented that the 'connection to Scotland' requirement seems to be interpreted as whether they live on the base or have accommodation off-base, which could be allied to parental employment and family income and therefore seems somewhat discriminatory. The respondent's

view is that it would seem equitable, if personnel are relocated to Scotland, that all their dependents are eligible to public services/education for the duration of their time here.

One respondent highlighted that students come to the UK through a number of different asylum or immigration routes. Therefore, a clear definition of 'relevant connection' is required to avoid subjective and contradictory decisions being made across institutions. The proposed changes will increase the spend from student support funds, however, it is unknown how significant an impact this will be given that, under the current rules, students who were advised through the application process that they would be charged higher rate fees are unlikely to have enrolled on a course or apply for any bursary or loan.

Do you agree that the length of a person's residence in the UK (together with a requirement to be ordinarily resident in Scotland on the relevant date) is an appropriate way of assessing whether a person has a sufficient connection with Scotland to qualify for the financial support package in Further / Higher Education?

Yes.

Do you agree that 3 years' residence in the UK is a suitable minimum residence requirement for setting eligibility for student support in Scotland?

Yes.

Do you agree that residence based on any form of leave to enter or remain from the Home Office in the UK should entitle a person to student support in Scotland, provided they otherwise meet the residence requirements?

Yes.

Do you agree that individuals who are here specifically for education purposes and are on a student visa, should remain ineligible for the financial support package from Scottish Government?

Yes.

Do you think eligibility should be extended to the dependents (child, spouse or civil partner) of those with student visas?

No majority opinion was provided by the college sector on this particular element of eligibility.

Should financial support beyond support already given through discretionary funds be extended to students who are currently ordinarily resident in Scotland and have sought asylum from the UK Home Office, but whose application is still pending?

No.

Do you think eligibility for student financial support should be fixed according to an assessment at the start of their course (i.e. with reference to the relevant date)?

No.

Do you have any comments on the sort of 'events' or changes in circumstances that should trigger reassessment of a student's eligibility after the first academic year of their course?

One respondent indicated the following events or change in circumstances should trigger reassessment of a student's eligibility after the first academic year of their course: Criminal conviction; Homelessness; Family separation; Estrangement; Illness; Bereavement; and Safeguarding.

Another respondent noted that circumstances can change a lot in one year and therefore a simple standard reassessment once per year would support individuals whose status had changed. This respondent advised they already conduct annual assessment in support of all students.

One respondent advised they are comfortable that in certain changed circumstances that funding could be reassessed in year, e.g. asylum seeker to refugee or humanitarian protection. In addition, the respondent's view is that eligibility could be reassessed at the start of each academic year if circumstances have changed.

Another respondent also commented that a trigger for reassessment of a student's eligibility would be asylum seekers being granted the Right to Remain following a successful application and also now meet the three years' minimum requirement and are ordinarily resident in the UK.

One respondent felt that if a student's status changes in relation to no access to public funds (NATPF), or if they were originally entitled to international fees and would later be eligible for home fees or student funding through Student Loans Company/SAAS, these would be triggers for reassessment.

Another respondent felt the requirement for age to be assessed on the course start date for further education students is unfavourable for under 18s who are awarded Education Maintenance Allowance rather a Maintenance Bursary rate. The current policies do not allow for awards to be reassessed in-year resulting in these students being financially disadvantaged.

Do you have any other comments on the current policy of carrying out an assessment of eligibility on the relevant date, or the proposals to change it?

One respondent supports the relevant date being set in August of each academic year.

Another respondent felt the relevant date should be the course start date, not the current relevant date(s). It is unfair if an individual passes the three-year mark after the relevant date and before the course start date.

One respondent felt a set date would simplify this process. They also felt clearer guidance on "ordinarily resident" would be helpful.

Another respondent advised they have not encountered students in the last two years who are not willing to learn. If the process is simplified it will provide a significant benefit. This process must be subject to a rigorous equality impact assessment. The respondent stated, "Scotland is an inclusive society so let's make it so".

One respondent highlighted that the decision to reassess a student in-year needs to take into consideration whether they and/or their family would be financially better-off accessing Universal Credit rather Student Support Funds.

Conclusion

As the Scottish Government receives responses with which to inform and shape the delivery of residency criteria for access to financial support in further and higher education, we would expect that the knowledge and thinking of the college sector is taken into consideration in the next stages of this work.

In doing so, Colleges Scotland would be able to facilitate engagement with college institutional leads for Student Support to shape the design and development of future residency criteria to ensure we can maximise the number of learners able to access education in Scotland's college sector.

Colleges Scotland
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