Commissioner for Fair Access

Building on Progress Towards Fair Access

Annual Report 2019

CONTENTS

FOREWORD

This is my second report to the Scottish Government as Commissioner for Fair Access. The headline 'score card' is that significant, and welcome progress has been made towards meeting the Scottish Government's interim 2021 and later targets on fair access. The higher education system is well on the way to meeting the challenge set by the First Minister in 2014 that by 2030, 20 per cent of entrants should come from the 20 per cent most deprived areas in Scotland - in other words, a level playing field in terms of participation in higher education. This would be a great achievement which would reinforce Scotland's status as the UK nation which already has the highest percentage of young people enrolled in higher education and confirm its historical reputation as a nation that has always placed a high value on education.

Of course, there is some way to go. Although it may appear the 2021 target of at least 16 per cent of full-time first degree entrants from the 20 per cent most deprived areas as measured by the Scottish Index of Deprivation (SIMD) is within sight, the last miles are often the most difficult. The most selective universities continue to face serious challenges in attracting applicants from more disadvantaged social backgrounds, and to reconciling their commitment to fair access with other goals, in particular the need to maintain their status as world-class research universities. At present, disadvantaged students are concentrated in colleges and in post-1992 universities. Although it would be unreasonable to expect uniform student profiles across the whole higher education system, a fairer distribution is needed. Also success is as important as access. Higher non-continuation rates and inferior degree outcomes for students from deprived areas should not be accepted.

Despite the continuing challenges, it is clear to me that the whole sector has demonstrated its full-hearted commitment to achieving fair access, and that this commitment should be properly recognised. Any remaining arguments are not really about the goal itself but the means by which it should be achieved. The way in which the Scottish Government, the Scottish Funding Council (SFC), other bodies such as the Scottish Qualifications Authority (SQA) and the Scottish Credit and Qualifications Framework (SCQF), the colleges and universities and their respective sector organisations Colleges Scotland and Universities Scotland, representative bodies such as NUS Scotland and the University and College Union and other trade unions have worked together has been impressive - a 'whole sector' approach in spirit if not in every detail. In comparison with the more fragmented approach taken in some other higher education systems, in the rest of the UK and more widely, Scotland's coordinated approach has been a model of successful policy implementation.

I am grateful to all those who have contributed to the drafting of this report by making themselves available to discuss key issues with me, although I am solely responsible for its content and recommendations. Several groups established by the Scottish Government, the SFC and sector organisations have been working hard on promoting fair access. Some, but not all, are mentioned in this report. I am very conscious of the variety and intensity of this work, and I have tried not simply to rehearse arguments that have already been better expressed.

Finally, I would like to express my thanks to Lynn MacMillan and other members of her team in the Scottish Government. They have the difficult task of advising Ministers about the development of policy in this area and implementing these policies, and at the same time supporting my work as Commissioner and as an independent voice. Once again they have fulfilled this task with great integrity and complete professionalism.

Peter Scott
Commissioner for Fair Access

INTRODUCTION

My first annual report aimed to cover most aspects of fair access to higher education, although it did not cover student financial support which was being considered by a separate review. It was an attempt to set the scene. Despite that it was not comprehensive. There were some important gaps.

One was consideration of other forms of disadvantage apart from socio-economic deprivation. A modest start to fill that gap has been made with the publication earlier this year of a discussion paper on disabled students, who have received increased public attention over the past few months. There are other potentially disadvantaged groups – including women (who, although they now form a majority of students, are still underrepresented in certain subjects); ethnic and cultural minorities; and older students. The last group are especially important. Opportunities for adult education must be improved if intergenerational unfairness is to be mitigated and the 'lifelong learning' agenda revived.

It is also necessary to look beyond access to first degree courses, which is why another discussion document on postgraduate students is planned. Increasingly, access to some jobs requires a postgraduate qualification. More generally, some experience of postgraduate study is now an important element in the expectations and life experience of a growing number of young people. Those from more disadvantaged backgrounds, therefore, deserve to be given fair access to postgraduate study.

The second gap was some discussion of the interplay between reforms in primary and, in particular, secondary education - such as the introduction of the Curriculum for Excellence (CfE) - and policy to promote fairer access to higher education. In addition to the CfE, important work has been undertaken on the learner journey covering the later years of secondary education, further and higher education, and training and employment. Parallel work has also been undertaken on developing the young workforce. My remit as Commissioner does not extend to schools. But it is a truism, and a truth, that the seeds of unequal access to higher education are sown very early in life - at the pre-school stage - and then reinforced by subsequent school experience. Much of the practical work undertaken by universities to promote fair access is focused on outreach to, and partnership with, schools. At the level of national policy a minimum requirement is that school (and workforce) and higher education initiatives are properly coordinated.

Having said that, schools cannot be reduced to simply providing a 'supply chain' for universities. Some 17 and 18 year-olds follow other pathways - and rightly so. University, in particular, is not for everyone - although my personal belief is that many more can and should benefit from a university education (provided universities adapt what they offer - and, crucially, how that offer is delivered). Potentially therefore there can be a tension between school reforms designed to offer better opportunities to all pupils and the narrower, and inevitably more academic, requirements of universities even when they are aiming to promote fairer access. To address this potential tension in a positive way it is important to conceive of higher education, all forms of further education and training, and increasingly employment-based learning and self study through online platforms as a holistic tertiary education system in which policies are coordinated and barriers removed. This was a theme of my first annual report. The principle should apply across all age groups with second, third and more chances freely available for older learners, a subject to which I intend to return.

After a summary of key messages and recommendations this report is divided into four chapters:

1. A review of progress, both 'hard' (i.e. progress towards meeting targets for fair access expressed in statistics) and 'soft' (policy development in three key areas: the Framework for Fair Access and bridging programmes; contextual admissions and minimum entry requirements; and articulation);

2. A discussion of the choice between using area-based metrics such as the SIMD or more individual-level indicators to measure progress towards fair access. Currently, of course, national targets and the institutional targets derived from them are expressed in terms of SIMD. This is more than a technical discussion about the best 'means' for achieving fair access; it also touches on 'ends', the fundamental goals of fair access;

3. The interplay between primary and secondary school reforms, and also other policy initiatives, and efforts to achieve fair access;

4. A number of separate but related issues, including the impact of the UK's exit from the European Union (when, and if, it happens) and the influence of any recommendations on student fees and funding made by the Augar committee in England.

This report will not cover some other important topics, such as the development of contextual admissions and of minimum entry standards which are only briefly mentioned in the first section, the progress report. Partly this is because it was covered in my first annual report in some detail; partly because that work is well in hand; and partly because it is too early for a considered evaluation of the impact of contextual admissions and entry standards on the ground, again a subject to which I intend to return. Nor have I yet had an opportunity properly to consider what changes in student financial support would best advance fair access.

SUMMARY AND KEY MESSAGES

- Good progress has been made to meeting the 2021 interim targets for fair access, and the goal of achieving a level playing field for all applicants irrespective of social circumstances now looks achievable. The improved performance since 2016 is the vindication of the use of national targets recommended by the Commission on Widening Access (CoWA).

- Scotland is now setting the pace in the UK in terms of widening participation, with more rapid improvement in the opportunities for young people from socially deprived backgrounds to go to university than any other UK nation.

- The distribution of students from socially deprived backgrounds between colleges and universities, between different types of universities and between individual universities is still very uneven. Although a uniform distribution is impossible (and perhaps undesirable), fair access should be a core part of the mission of every institution.

- A national framework for outreach, access and bridging programmes should be established as soon as possible, to increase their transparency and transferability. The recently established Framework for Fair Access is a model of how greater national coherence can be achieved without unduly undermining institutional autonomy.

- The establishment of minimum entry requirements (MERs) by all universities is a big step forward towards fair access. But their impact should be carefully monitored and more adventurous use should be made of them as confidence among university staff builds.

- Progress on articulation has been disappointing. Too many applicants with Higher Nationals (HNs) are being denied the credit to which they are entitled. This is particularly frustrating at a time when new types of qualification, particularly in work-based learning, are becoming increasingly significant, even if students on Foundation and Graduate Apprenticeships are still comparatively small. A step change in university practice – and attitudes – is needed.

- The Scottish Index of Multiple Deprivation (SIMD) should remain the core metric for assessing progress towards fair access despite its regional limitations, although registration for free school meals (FSMs) should be used in combination with SIMD both to target support and to measure progress towards fair access going forward. Universities not only need to compensate for individual disadvantage but also have a responsibility to address community deprivation.

- There is little evidence that the Curriculum for Excellence (CfE) has disadvantaged potential university applicants from deprived social backgrounds, despite the persistence of the attainment gap between young learners and between schools. The broadening of experiences, which is the aim of CfE, should prepare young learners well for independent study at university.

- The confused relationships between Advanced Highers, Higher Nationals (HNs) and the early years of degrees need to be addressed. If no action is taken, actual overlaps may be emphasised rather than potential synergies.

- There is little evidence that less deprived applicants are being displaced by applicants from the most deprived backgrounds despite the strong perception this is a major problem, although distressing individual cases have no doubt occurred. Fair access is about redressing past inequalities of opportunity (and should be compared with equivalent campaigns to address gender or race discrimination).

- The policy environment is becoming increasingly volatile, unstable and unpredictable. Brexit is only the most stark, and immediate, example. If universities are to argue successfully that existing budgets, and funded places, should be maintained, their commitment to (and action on) fair access will be key.

CHAPTER 1: REVIEW OF PROGRESS

The national picture

Gaps in application, acceptance and entry rates between young people from SIMD20 areas and those from less deprived communities have narrowed since 2013 and, in particular, during the past two years since the publication of the Commission on Widening Access final report. But large gaps remain. Progress has been made towards making access to higher education fairer. But much work remains to be done. Young people from the most deprived communities continue to lose out on getting into university - and, to a lesser extent, in retention, among those who do enter. Even when they get good degrees, they are still discriminated against in the labour market - in particular, in the elite professions.

Application rates from 18 year-olds in SIMD20 areas reached a peak of 17.2 per cent in the 2017 cycle but fell back slightly to 16.9 per cent last year (Chart 1). The difference in application rates among 18 year-olds from the most and least deprived communities has decreased by 2.3 percentage points since 2016. But the gap remains wide. Young people from the least deprived communities are still almost three times more likely to apply to university than their peers from the most deprived areas (49.9 per cent compared to 16.9 per cent).

Chart 1: 18 year-old application rates by deprivation quintile (SIMDQ1 = SIMD20), 2013 to 2018
*Source: UCAS*
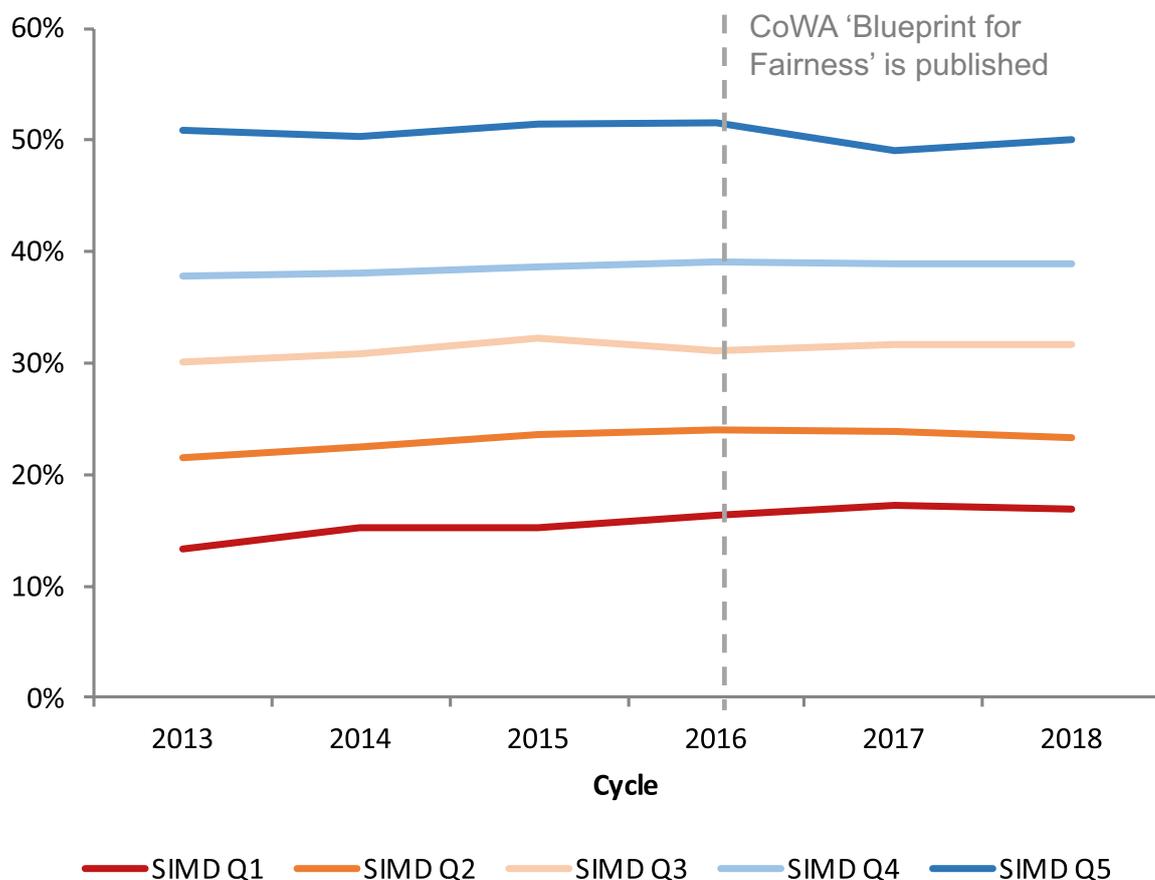
Over the past two years, offer rates among 18 year-olds also increased faster for SIMD20 applications (12 percentage points) and SIMD20-40 applications (7.1 percentage points) while for applications from the three other SIMD quintiles there was only a modest increase (Chart 2). Compared to average offer rates, which take into account such factors as the course requirements

and grades, offer rates for SIMD20 applications were higher than expected (6.8 percentage points higher). The same was true of SIMD20-40 applications (5.0 percentage points higher). However, offer rates for applications from the next two SIMD quintiles were slightly lower than expected, while for those from the top quintile offers were in line with expectations, although acceptance rates continued to increase for these quintiles. This pattern may lend limited support to the thesis of the 'squeezed middle', that applications from the mid social ranges have been affected most in terms of offers from the drive to achieve fair access.

**Chart 2: 18 year-old offer rates by deprivation quintile (SIMDQ1 = SIMD20), 2013 to 2018**
Source: UCAS
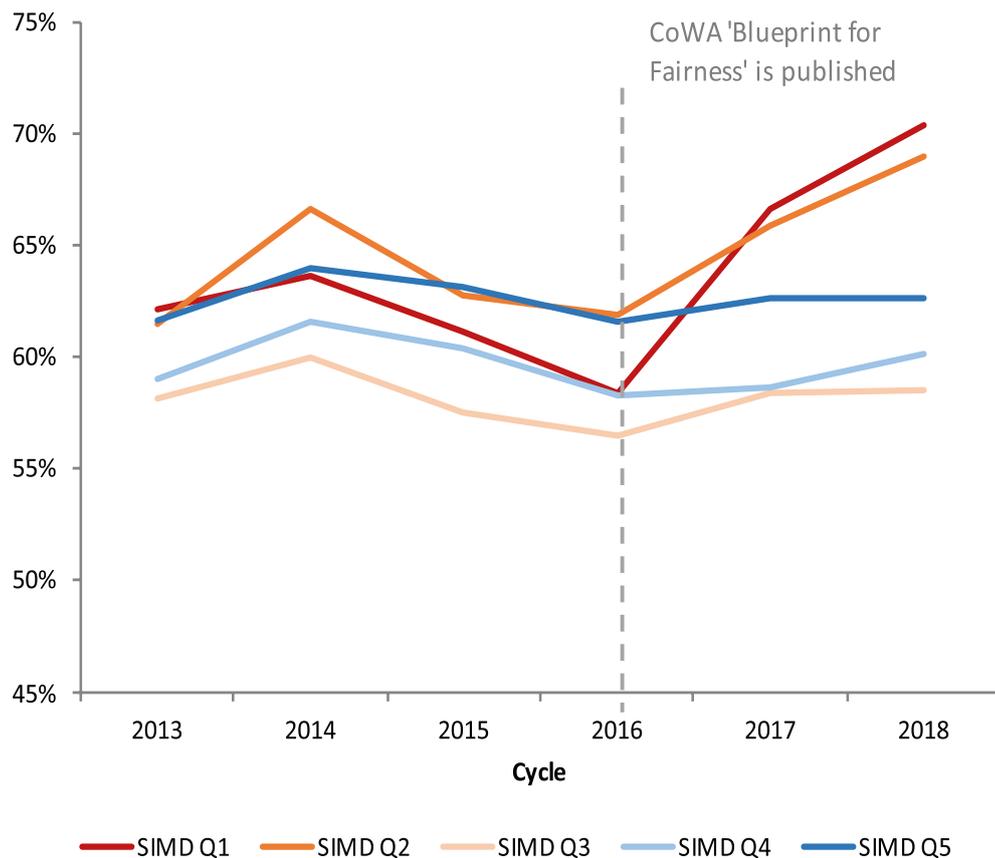
Acceptance rates have increased for 18 year-olds from all SIMD quintiles to over 70 per cent. The largest increase was for SIMD20 applicants (by 11.5 percentage points between 2016 and 2018) (Chart 3). But the highest percentage of accepted applicants was still among those from the top SIMD quintile, at 75 per cent. A similar pattern can be observed in entry rates (Chart 4). Although the most rapid increase was for SIMD20 (2.2 percentage points higher in 2018 than two years earlier), entry rates (the proportion of 18 year-olds entering university) for those from the least deprived communities were still more than three times higher than for those from the most deprived communities. Moreover, there is still a gap between retention rates between SIMD20 students and the overall sector. But the differences are small - 89.4 per cent compared with 92.5 per cent respectively according to the latest figures. It is worth emphasising that even the lower rate is exceptionally high by international standards.

Chart 3: 18 year-old acceptance rates by deprivation quintile (SIMDQ1 = SIMD20), 2013 to 2018
Source: UCAS
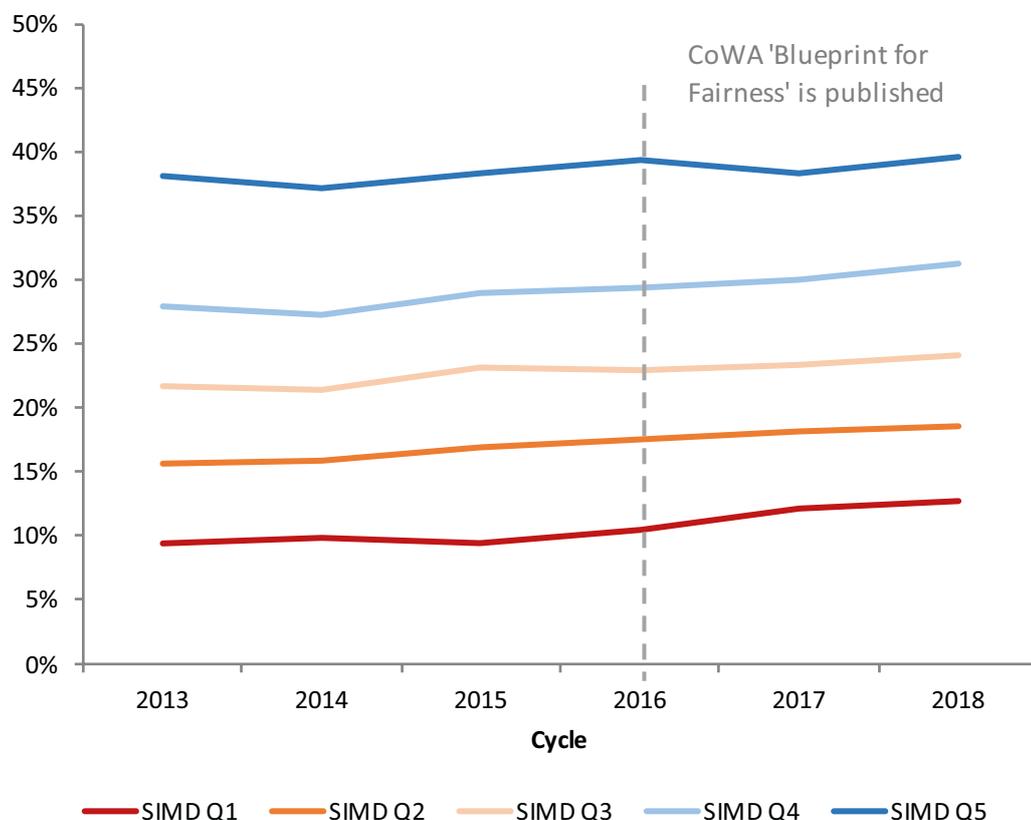

In an earlier <u>discussion paper</u>, three broad clusters of institutions were identified in the context of admissions: Group A (institutions with a comparatively high percentage of SIMD20 applicants and offer rates broadly in line with expectations); Group B (institutions with a lower percentage of SIMD20 applicants and also offer rates broadly in line with expectations); and Group C (institutions with a lower percentage of SIMD20 applicants but offer rates higher than expected). Group A consists entirely of 'post-1992' universities, and Groups B and C a mix of 'post-1992', ancient and other more recently established universities. Between 2016 and 2018 an interesting shift has taken place. The number of universities in Group C has expanded from three to seven, and now contains three ancient universities (up two), three more recently established universities (also up one) and one 'post-1992' university (there had been none in this group two years earlier). The two other groups are now dominated by 'post-1992' universities. This shifting pattern raises interesting questions, although a number of interpretations are possible.

The proportion of SIMD20 entrants still varies considerably between universities. As of 2017/18, the University of the West of Scotland has the highest - 29.4 per cent. The University of Aberdeen has the lowest - 6.0 per cent (although the fact that Robert Gordon University, the 'post-1992' university in the same city, also has a low rate - 6.5 per cent - suggests that SIMD is a much less useful metric in the north east - as it is in all regions with more scattered populations). Stirling and Dundee have been especially successful in admitting SIMD20 students, doing better than some 'post-1992' universities. The University of Glasgow is the most successful 'ancient' university in terms of SIMD20 recruitment. It has already comfortably exceeded its 2021 target. The University of St Andrews has increased its percentage of SIMD20 entrants by almost 50 per cent since 2016, although from a low base. The percentage at the University of Edinburgh has also increased at a similar rate, from a higher base.

Chart 4: 18 year-old entry rates by deprivation quintile (SIMDQ1 = SIMD20), 2013 to 2018
Source: UCAS
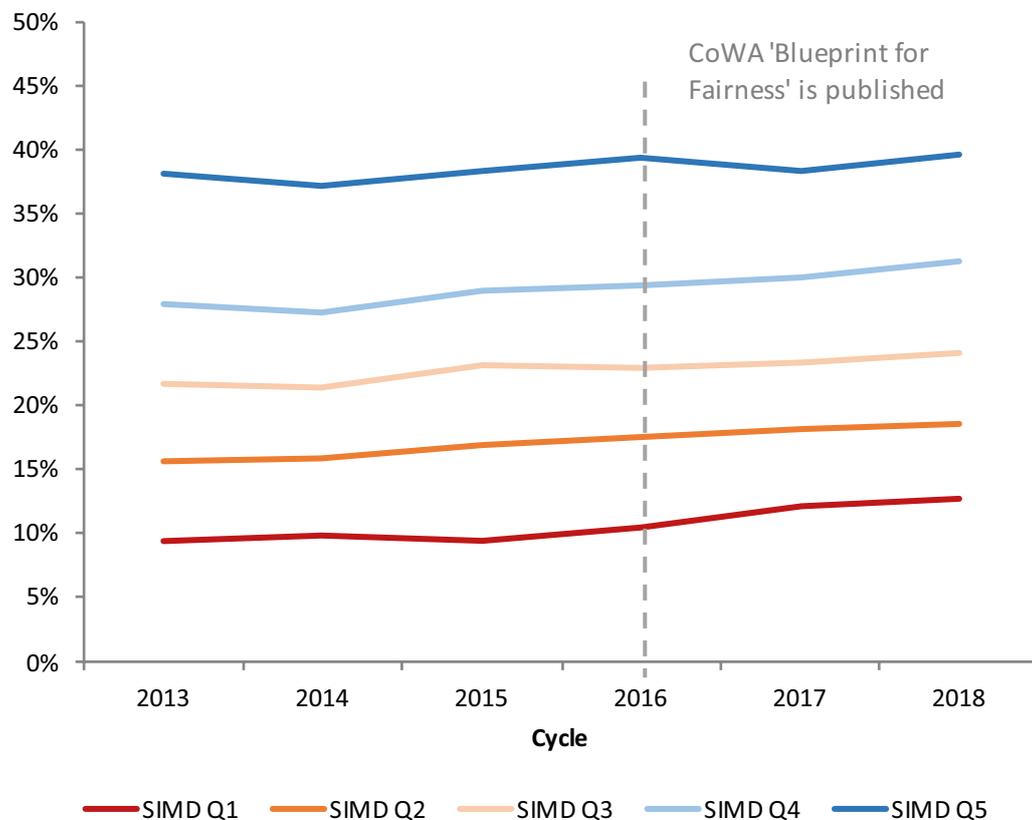
These national level statistics suggest that real progress has been made towards meeting fair access targets, although students from deprived backgrounds are still concentrated in particular types of institutions. More detailed conclusions and recommendations appear at the end of this section, and data tables are provided in an Annex.

Policy developments

Outreach and bridging programmes

Over the last year, the Scottish Funding Council has taken the lead in this area of implementation, establishing both an Access Programmes Steering Group (APSG) and a Bridging Programmes Advisory Group (BPAG). The APSG, on which a wide range of stakeholders is represented, has a wider remit covering all access programmes. Its primary task is to examine the extent to which a coordinated Scotland-wide framework for access programmes can be developed to reduce fragmentation and duplication. Such a framework would make successful completion of an access programme more portable, although it is recognised that many programmes have been developed in specifically local contexts and are based on close collaboration between schools and colleges and universities. The APSG will

"These national level statistics suggest that real progress has been made towards meeting fair access targets, although students from deprived backgrounds are still concentrated in particular types of institutions."

also examine the feasibility of SCQF credit rating of access programmes. The group met for the first time earlier this year, so its work is at a preliminary and exploratory stage.

The BPAG, chaired by Professor Frank Coton of the University of Glasgow, also met for the first time in March 2019. Once again it will examine how academic credit earned by successful completion of bridging programmes can be made more portable and also how it can be suitably recognised in contextual admissions. The group is focusing on summer schools and top-up programmes delivered in the later years of secondary education. As with the APSG, its work is at a preliminary and exploratory stage, consisting initially of a mapping exercise of existing provision.

"Although accurate, comprehensive and up-to-date information about existing bridging and, more broadly, access programmes needs to be collected and made available, it is important that exploration is rapidly transferred into action."

Although accurate, comprehensive and up-to-date information about existing bridging and, more broadly, access programmes needs to be collected and made available, it is important that exploration is rapidly transferred into action. Many of the issues were explored in considerable detail by the Commission on Widening Access, which reported three years ago. They were also highlighted in my first Annual Report as Commissioner for Fair Access.

The Framework for Fair Access

The development of a Framework for Fair Access was a key recommendation of the Commission on Widening Access. Over the past two years this work has been undertaken by the Framework Development Group chaired by Conor Ryan, then Director of Research at the Sutton Trust, and composed of stakeholders and experts. The group decided that the Framework should have two elements:

1. A toolkit to serve as an online repository of best practice on evaluation of access initiatives and of summaries and evaluations of the available evidence on which initiatives have been most effective. Funding was secured from the SFC to commission CfE Research to develop the toolkit;

2. A community of practice to bring together access practitioners and researchers. Once again the SFC has provided funding to recruit a development coordinator to support this development. Scotland's Community of Access and Participation Practitioners (SCAPP) has now been established.

"The establishment of the Framework means that Scotland is a 'path finder' in making consistent and reliable information on the evaluation of access initiatives available in an accessible form."

The Framework for Fair Access was formally launched in May 2019. The Framework Development Group has now been replaced by a Framework Governance Group chaired by myself as Commissioner. The establishment of the Framework means that Scotland is a 'path finder' in making consistent and reliable information on the evaluation of access initiatives available in an accessible form. The Office for Students (OfS) in England is only now developing a systematic approach to producing a database on good practice.

Despite this, two conditions need to be met if the Framework is to be a success:

- First, the Framework must be 'owned' by access practitioners and other stakeholders. My role, and that of the SFC and other organisations and of institutions, is to facilitate not to direct. Although it is important that the development of the Framework is linked to, and coordinated with, other initiatives. Equivalent work in England is clearly the responsibility of the OfS, which makes it part of the overall regulatory framework;

- Secondly, the Framework will require secure and dedicated funding to make it sustainable into the future. Resources will be needed to expand, and update, the toolkit, especially if it is also to include evidence on evaluations of good practice in access in other countries. SCAPP will also need adequate and reliable support. Currently no firm decisions have been taken about the longer-term funding of the toolkit and community of practice. This will be considered by the Framework Governance Group later this year.

Minimum entry requirements and contextual admissions

Good progress has been made on establishing, what universities are calling, Minimum Entry Requirements (MERs), although the position with regard to contextual admissions more broadly is less clear. All universities have agreed MERs for 2020/21 entry. Typically, the difference between MERs and standard entry requirements is two Higher grades, although it can be as much as four Higher grades (and one fewer Higher). Some universities have also indicated they may still accept applicants with less than the published MERs.

However, it is difficult to form an overall assessment of their likely impact. Although universities publish standard tariffs for entry, many already admit applicants who do not meet these published tariffs. 'Headline' tariffs are sometimes established with an eye to enhancing the 'market' position of universities, in league tables and other contexts. Standard entry requirements, against which MERs are measured, also fluctuate - between universities and degree courses as well as year by year depending on the shifting balance between supply and demand. The result is a lack of transparency about the allowance that is made for applicants from disadvantaged backgrounds. Making this process more transparent is a complex task. However, it is essential that applicants, and those who advise them, have the best possible understanding of the allowance that has been made because this represents the degree to which they are being encouraged to apply, which in turn may influence their choices about which institutions and courses they should apply to.

"Good progress has been made on establishing, what universities are calling, Minimum Entry Requirements, although the position with regard to contextual admissions more broadly is less clear."

Not only are standard entry requirements both variable and to some extent fluid, there is also a lack of consistency - and so transparency - about the contextual factors that universities take into account in making MERs. The problem is twofold:

- First, a broad view is taken of these contextual factors. For example, according to a survey by the Universities Scotland Admissions Working Group, 47 per cent of entrants to St Andrews and 52 per cent of accepted offers at Edinburgh have at least one contextual 'marker'. Clearly only a minority of these 'marked' applicants and entrants are socially deprived, even on the most flexible definition. There is also substantial variation in the proportion of Scottish domiciled

applicants with contextual 'markers' between universities - 28 per cent at Strathclyde compared with 42 per cent at St Andrews. Although a standardised list of contextual factors may be undesirable because each university rightly wants to select the factors that are most appropriate (and the weighting they should receive) for their own particular student constituencies, there is a strong case for convergence towards a more limited number of contextual factors;

• Secondly, contextual factors are used in different ways. In some universities (and courses) they merely lead to special consideration, perhaps unspecified; in others to more specific advantages, such as a guaranteed interview; in others again to guaranteed places if applicants meet MERs (which may themselves be varied if applicants have taken an access or other preparatory course). To some extent this is inevitable. The process of selection is necessarily different between different courses and subjects - for example, for fine art or for business studies courses. However, once again there needs to be greater effort to make the admissions process for applicants with contextual 'flags' (relating to social disadvantage) more transparent, which will require greater consistency and commonality.

"there needs to be greater effort to make the admissions process for applicants with contextual 'flags' (relating to social disadvantage) more transparent"

The major issue with regard to the use of MERs and contextual admissions, still unresolved, is the extent to which that use should be limited to 'flexing' entry standards within strict limits set by traditional ideas about which students have the academic ability to benefit (given the right level of support), or whether MERs and contextual admissions should be used in more radical ways - both to challenge some of these traditional ideas and also to meet the larger requirements of social justice. This dilemma goes to the heart of the debate about fair access to higher education.

It would be naive to imagine this is an easy issue to resolve. There is, rightly, concern that students lacking the necessary degree of preparation for rigorous study at degree level should not be set up to fail, although there is research evidence that suggests much bolder use could be made of contextual admissions before continuation rates and degree outcomes are seriously put at risk. In setting MERs, universities have lent on the expert advice of subject specialists and admissions staff in academic departments who are best placed to decide how far standard entry requirements can be reduced by without compromising students' chances of success. The support of the grass-roots academic community is crucial.

However, there is a risk, especially in the more selective universities and for the most competitive courses, that these expert judgments will tend to be too cautious and conservative, overdetermined by their experience of the 'performance' of students from privileged social groups (more in terms of behaviour and attitudes perhaps than of academic standards narrowly defined). It is encouraging, therefore, that Universities Scotland has agreed that MERs should be reviewed - and possibly reduced. There are powerful arguments that, to some degree, expected standards of academic achievement and behaviour reflect assumptions shaped by the experience of existing university students - many of whom are drawn from the more socially advantaged groups. Although analogies should be used with care, a similar argument has been used about the 'gendering' of some academic disciplines, disadvantaging female students.

Articulation

The National Articulation Forum (NAF), co-chaired by Professor Nigel Seaton, Principal of Abertay University, and Liz McIntyre, Principal of North East Scotland College, met for the first time in April 2018 (although its plan was only signed off earlier this year). It had its most recent meeting on June 4. Its aims are to explore: the extent to which articulation is understood as a pathway to university by potential applicants; the outcomes achieved by articulating students; current models of articulation; regional as opposed to local patterns of articulation; and - crucially - the subjects where there is most articulation (and the least). As with the APSG and BPAG, the work of the NAF is still at an early stage and has largely been exploratory. As with these other groups, it is important that the NAF moves swiftly beyond this exploratory phase.

The urgency of its work has been highlighted by the disappointing progress made towards improving articulation rates between Higher Nationals (HNs), both Higher National Diplomas (HNDs) and Higher National Certificates (HNCs), and degrees, as highlighted by new experimental statistics from the SFC's revised National Articulation Database. Instead of the step change that is needed, only gradual improvement has been made. This is a major issue. Currently more than one in four first degree entrants (26.1 per cent) comes via an HN route, although around 60 per cent (and 80 per cent of those with advanced standing) are to be found in only four universities - West of Scotland, Glasgow Caledonian, Robert Gordon and Napier. Although not all articulating students with HNs come from deprived communities.

"Instead of the step change that is needed, only gradual improvement has been made. This is a major issue."

Between 2014/15 and 2017/18, the proportion of HND students progressing to degree courses who received advanced standing, i.e. full credit, and therefore, direct entry into Year 3, only increased from 59.1 to 64.3 per cent (Chart 5), still well short of the 75 per cent target suggested by the Scottish Funding Council, which I endorsed as a minimum goal in my first Annual Report. The proportion of HNC students progressing to degrees who received advanced standing, i.e. entry into Year 2, was even lower. Over the same three years it increased from 28.7 to 34.1 per cent. Almost two-thirds still receive no credit. The figures for individual universities are even more disappointing. At Glasgow, only 13 HN students received full credit, compared with 224 who received no credit. Even at Glasgow Caledonian, where 990 HN students received full credit, a substantial number - 707 - received no credit.

The various explanations of, and justifications for, this reluctance to allow HN students advanced standing on degrees were discussed in my first Annual Report. They include students switching subjects and/or not wishing to receive full credit to allow themselves more time to acclimatise to degree-level study, a poor 'fit' between the HN and degree curriculum even in the same or similar subjects, and the belief that there are important differences between HNs and degrees in learning style and culture (or even that there is some kind of existential gulf between higher professional and vocational education and a university education). Some of these explanations are valid; others are not.

Chart 5: Percentage of Scottish domiciled students articulating within three years of HNC/HND completion that gained advanced standing, 2014-15 to 2017-18
Source: Scottish Funding Council
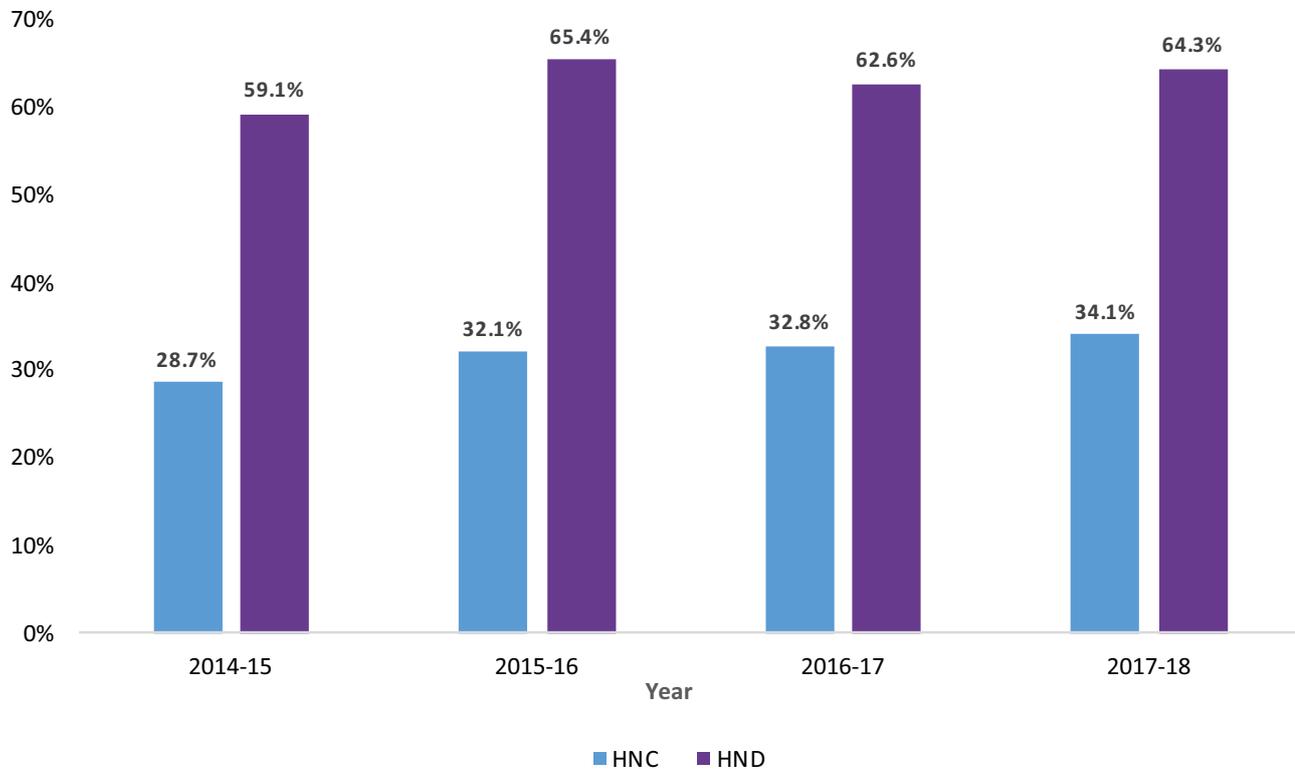
This failure to make faster progress towards fuller and smoother articulation between HNs and degrees has damaging results:

- First, it reduces efficiency by increasing the length, and therefore the cost (for both students and taxpayers), of the higher education of articulating students;

- Second, it makes it more difficult to achieve a properly integrated tertiary education system across Scotland with seamless progression;

- Third, it makes it harder to promote other forms of articulation - for example, efforts to rationalise S6 (in particular, Advanced Highers) and the first year of degrees or between emerging patterns of virtual and work-based programmes and more traditional provision;

- Finally, and most damagingly, it works against fair access. Although not all HN students come from socially deprived backgrounds, they are more likely to do so. While around 26 per cent of all Scottish domiciled first degree entrants have an HN, the proportion of full-time first degree entrants from SIMD20 areas (the 20% most deprived areas) that have an HN is 42 per cent.

"failure to make faster progress towards fuller and smoother articulation between HNs and degrees has damaging results"

Discussion, conclusion and recommendations

Student number statistics suggest that real progress has been made towards meeting the interim 2021 target of 16 per cent of (full-time first degree) entrants to Scottish universities coming from SIMD20 areas, which has almost been met. This gives a high degree of confidence that the 18 per cent target for 2026 can also be met, and reasonable confidence that a truly level playing-field can be realised by 2030, or even earlier. However, it continues to be challenging for some universities to meet the 10 per cent institution-level target by 2021.

"real progress has been made towards meeting the interim 2021 target of 16 per cent of (full-time first degree) entrants to Scottish universities coming from SIMD20 areas"

There continues to be an uneven pattern of opportunities for applicants from more socially deprived backgrounds, who are still concentrated in colleges and in most 'post-1992' universities. Some more traditional universities have excellent records on recruiting SIMD20 entrants; others have much further to go. It is perhaps time to focus more on achieving a fairer distribution of opportunities for SIMD20, and other disadvantaged, applicants rather than on the headline figure for the higher education sector as a whole. Although it would be unrealistic to expect the same student mix across all institutions.

More concerted efforts to promote fairer access, such as establishing minimum entry requirements and developing a more consistent approach to contextual admissions, improving articulation rates between HNs and degrees, and creating stronger regional (and national) frameworks for access courses and bridging programmes,

"It is perhaps time to focus more on achieving a fairer distribution of opportunities for SIMD20, and other disadvantaged, applicants rather than on the headline figure for the higher education sector as a whole"

have begun well. But some are still at an early stage, and clear measures of success have not always been developed. It is important to move on to the next stage, to embed these initiatives and to be able to measure progress against targets.

Recommendations to drive progress

The development of more stretching targets for fair access, at both national and institutional levels, should be considered - perhaps by bringing forward the 2026 and 2030 targets and by setting targets for a more even distribution of SIMD20 and other disadvantaged students across higher education.

Although the establishment of MERs is a welcome achievement, they should be reviewed in the light of experience gained in their use. In particular, MERs should be calibrated to achieve institutional targets for admitting students from socially deprived backgrounds, and students admitted with MERs should have access to continuing academic support.

More challenging targets for the proportion of articulating students with HNs should be set. The default position should be that they receive advanced standing. Universities which offer less should be required to justify their decisions on a case-by-case basis. A target of giving advanced standing to at least 75 per cent of applicants with HNDs, and 60 per cent of those with HNCs, by 2021 seems reasonable. Steps would need to be taken to ensure more traditional universities did not respond by reducing the number of offers they make to HN students.

A national framework for access and bridging programmes should be established based on curriculum with a common core and leading to portable qualifications. The work of the Framework for Fair Access and of the two SFC-led groups on access and bridging programmes should be directed towards that goal and their activity aligned.

The Framework for Fair Access should receive adequate, dedicated and sustainable funding. It should not be treated as another short-term initiative. Instead it should be established as a permanent instrument for promoting good practice in fair access (although its effectiveness should be reviewed within three years).

CHAPTER 2: TARGETS AND PERFORMANCE

Targets

The current targets for fair access, recommended by the Commission on Widening Access and accepted by the Scottish Government, are that, by 2030, 20 per cent of entrants to higher education should come from the 20 per cent most deprived areas in Scotland, as measured by SIMD. Interim targets for full-time first degree entrants have also been set at 16 per cent two years from now in 2021 (and at least 10 per cent in every institution) and 18 per cent in 2026. Progress towards meeting these targets has been discussed earlier in this report.

Two issues continue to be debated:

- The first, which can be swiftly dismissed, is whether there should be national targets, and institutional targets derived from these national targets, at all. The alternative to national targets is for individual universities to set their own targets using their own indicators of disadvantage. This is essentially the system in England where institutions are required to

> *"Scotland's progress towards promoting fair access is vindication of a system of national targets."*

have access agreements with the Office for Students. Although there is some limited central guidance about the contents of these access agreements, institutions are free to set their own criteria of success. To date, no access agreement has been rejected by the OfS or its predecessor body, the Office for Fair Access, although some institutions have been persuaded to make limited changes in the course of negotiating agreements. The system is not unlike the outcome agreements between institutions and the Scottish Funding Council. The disadvantages of such a system are twofold. There is no 'common currency' for measuring progress and, as the OfS itself has admitted, there is an insufficient sense of urgency. Scotland's progress towards promoting fair access is vindication of a system of national targets;

- The second issue is how progress towards meeting these targets should be measured. Currently that measure is the percentage of entrants from SIMD20 areas. This has been criticised on a number of grounds - that not all disadvantaged applicants live in deprived areas (and that some students from SIMD20 areas are not themselves disadvantaged); that SIMD20 applicants, regardless of their own individual circumstances, are given priority over other applicants leading potentially to unfair displacement; that universities are forced to compete for a limited supply of applicants from SIMD20 areas; and that there are mismatches between the single indicator used to meet targets, residence in an SIMD20 area, and the multiple indicators that institutions themselves use to identify disadvantaged applicants and target outreach activities.

The Access Data Working Group (ADWG), with representatives from all key stakeholders, was established following recommendation 31 in the CoWA final report that 'a consistent and robust set of measures to identify access students' should be developed. It met four times in 2018 to consider supplementary measures to SIMD. The following discussion reflects the work of that group.

In this section of the report, four different types of measures will be considered:

1. Area-based metrics such as SIMD;

2. Individual-level metrics that are available on a national basis, are robust and reliable and, crucially, available at key decision points;

3. Other measures of individual characteristics that do not pass these tests but which nevertheless are - rightly - used by institutions;

4. Measures that combine area-based metrics and individual-level indicators.

SIMD and community deprivation

SIMD is probably the UK's most sophisticated area-based metric, which has won an award from the Royal Statistical Society. It was originally introduced in 2004, and the latest version dates from 2016. Scotland's 5.3 million population is divided into 6,976 data zones, and each data zone has a population of around 760 people.

It is based on seven indicators which cover various forms of deprivation: income (for example, the number of income deprived people or people on income-related benefits); health (for example, mortality rates, low birth weight and alcohol and drug misuse); employment (unemployment and dependence on benefits); education (school attendance, attainment of school leavers, number of young people not in employment, further education and training, and the proportion entering higher education); crime (rates of violence, vandalism and other offences); housing (over-crowding and lack of central heating); and access (drive and public transport times to key facilities). Using these indicators data zones are ranked into quintiles, from SIMD80-100 (the least deprived) to SIMD20 (the most deprived).

The main alternative area-based metric available for measuring access to higher education is Participation of Local Areas (POLAR), which covers the whole UK. The average population of POLAR medium-level super output areas is similar to that of SIMD data zones. A finer-grain mesh of POLAR is available, although it is not generally used for technical reasons. Like SIMD POLAR is also ranked into quintiles from POLAR Q1, areas with the lowest participation in higher education, to POLAR Q5, areas with the highest participation.

The main difference between SIMD and POLAR is that in the case of SIMD, participation in higher education is only one element of educational deprivation, which in turn is only one of seven aspects of deprivation, while POLAR focuses exclusively on participation in higher education and ignores all other forms of disadvantage. As a result, Scotland, simply because it has the highest higher education participation rate in the UK, has the lowest proportion of POLAR Q1 areas among the UK nations (and Wales the highest). However, Scotland clearly continues to have high levels of social disadvantage. The inescapable conclusion, therefore, is that SIMD is a more appropriate area-based metric to identify deprivation than POLAR, even if the ability to compare performance across the four UK nations is restricted to relative rates of change if different metrics are used.

The main weakness of using SIMD, or any other area-based metric, as has already been indicated, is that it does not describe individual characteristics. As a result there will inevitably be false-positives, less disadvantaged individuals who live in deprived areas, and false-negatives, disadvantaged individuals who live in less deprived areas. For example, only one-third of income

deprived people live in the 15% most deprived areas - which means that two-thirds live in less deprived areas. A recent study by Abertay University found that only a third of the students the University admitted on the basis they were disadvantaged actually lived in SIMD20 areas, and a third of their students from SIMD20 areas did not qualify as disadvantaged (according to the University's own criteria, which included attendance at schools which sent few people to university, having care experience, coming from non-graduate families and enrolment on an access course). This is a particular problem in more sparsely populated parts of Scotland where SIMD data zones cover much wider areas with more mixed populations. For example, there are no SIMD20 areas in Shetland, Orkney and the Western Isles. In more densely populated areas, and especially in the west of Scotland, the concentration of social disadvantage makes false-negatives and false-positives less likely.

Individual indicators of disadvantage

The Commission on Widening Access, while arguing that 'the Scottish Index of Multiple Deprivation is currently the most suitable measure of disadvantage', recognised that additional measures could also be used not only to inform decisions about individual applicants but also potentially incorporated in national targets. The Commission identified three types of additional measure - care experience, household income and school environment.

Care experienced

Using care experience as a measure of disadvantage alongside residence in a SIMD20 area is generally accepted. The number and percentage of applicants and entrants with care experience are included in national statistics on access, and all universities use care experience as a marker to identify disadvantage. It is also generally accepted that the needs of applicants/entrants with care experience should be recognised regardless of their socio-economic status, although in practice many may come from socially disadvantaged backgrounds. Any issues about the quality and availability of data about this small group of potential students should be able to be resolved satisfactorily. Universities Scotland has agreed a common definition of care experience, embracing those with experience not only of local authority care but also of kinship care (with institutions free to determine the level of verification they require). Numbers are small but growing. In 2017/18, there were 255 Scottish domiciled full-time first degree entrants who reported care experience, up from 170 the previous year, while the percentage of entrants who reported care experience increased from 0.6% to 0.8%.

Without seeking to diminish the impact of other forms of individual disadvantage, such as those applicants who have been estranged from their parents or are orphans, not all applicants in these - and other - categories are necessarily socially deprived. The proliferation of separate categories of individual disadvantage may tend to detract from a more general definition of deprivation in the context of fair access, such as that which Universities Scotland has developed. In any case some forms of individual disadvantage are 'protected' characteristics, and universities already have a legal duty to make appropriate adjustments. Care experienced applicants are perhaps an exception to this rule - for three reasons. First, there is an overwhelming public and political consensus that they deserve special consideration in the context of fair access; secondly, they are a well defined and comparatively small group; and, finally, the experience of social deprivation and care experience are closely aligned.

Black and Minority Ethnic applicants

There is a case for arguing that black and minority ethnic applicants should also be treated as an exception to the rule that generally fair access should be determined largely in terms of social deprivation. In contrast to England, ethnicity is not such a prominent component in the debate about fair access and widening participation in Scotland. It is my intention to address this issue in greater detail in a discussion paper later this year, along similar lines to the discussion paper on disability.

Free School Meals

Determining a reliable measure of household income as an individual-level metric alongside SIMD is not so straightforward. The obvious indicator is receipt of Free School Meals (FSM), although other candidates include the Educational Maintenance Allowance (EMA) paid to 16 to 19 year-olds who continue in education after

"There is clear evidence that students registered for FSMs in school are seriously under-represented in higher education"

the school leaving age. Eligibility for both FSM and EMA is determined by household income thresholds and, for FSM, receipt of certain benefits. There is clear evidence that students registered for FSMs in school are seriously underrepresented in higher education – the ADWG found that around 22 per cent of S5/S6 leavers receive FSM in any year of secondary school but this group only constitutes 11 per cent of those going on to higher education. There is also a considerable overlap between FSM registration and residence in SIMD20 areas, particularly in more densely populated cities.

However, there are four difficulties in using FSM as a reliable individual-level indicator of disadvantage:

1. The individual data collected by schools has only recently met the standards of validation required by official statistics (and some local authorities use additional criteria to assess eligibility);

2. The data only covers FSM registrations, not eligibility, which may be significantly greater;

3. FSM data on individual applicants would need to be shared in a suitably robust form with university admission staff in time to influence decisions;

4. FSMs is not a reliable indicator of individual disadvantage for older students. Other assessments of individual-level household income, such as eligibility for student bursaries and other student support, are currently made too late in the cycle, at the admissions rather than the application stage. To ask SAAS to make these assessments not only for entrants to assess their eligibility for bursaries but for all applicants to determine their financial circumstances would represent a considerable administrative burden.

Despite these issues, the Access Data Working Group has recommended that FSM registration should be used as an individual-level indicator, although this would be determined by registration in any year in secondary education rather than the year when applications were made.

School Environment

A third category of indicators for measuring individual disadvantage which it has been suggested could be used alongside SIMD in national/institutional targets is based on school environment. The most common measure of this type is so-called low progression schools which do not send many of their leavers on to higher education - and, in particular, universities. Much access work is focused around partnerships between universities and low progression schools, whether at the level of individual institutions or through regional groupings. This is an entirely valid - and, indeed, very valuable - approach which recognises the importance of personal links and local knowledge. However, to use attendance at a low progression school as a uniform measure of individual disadvantage across Scotland is not straightforward. The most important difficulty, of course, is that it focuses on schools, not individual pupils. So, like SIMD, it is an area-based not an individual-level metric.

Other Indicators

Other individual-level indicators are available. But none is sufficiently reliable, robust and timely enough to justify inclusion alongside SIMD in national targets. These include the socio-economic status of parents (or, in the case of older students, their own socio-economic status) and the highest level of parental education (and, in particular, whether they were themselves graduates). Both are clearly very powerful influences on access to higher education, and the access gap between advantaged and disadvantaged social groups that fair access policies are designed to reduce. But in both cases the available data is only partial and typically based on self-reporting and therefore cannot be independently validated.

However, the fact that such indicators - along with school environment - are not suitable for inclusion in national targets alongside SIMD does not reduce their value to universities in determining their admissions policies. Rightly universities are free to determine their own indicators for promoting fair access. But three considerations need to be borne in mind:

• The first is that there is a risk of overlap and redundancy if too many indicators are used to measure individual disadvantage because many may measure the same, or similar, things. It makes sense to focus on a small number of proxies;

• The second is that, if too many indicators are used to flag up comparatively mild forms of disadvantage, it will dilute the pool of applicants who deserve some form of special consideration, and disguise deep-rooted deprivation. Using too many indicators, even if they are publicly available (as they must be), may also lead to a lack of transparency on the part of potential applicants and their families and also those who advise them;

• The third is that, although all universities should not be obliged to use the same indicators (because their institutional missions and geographical positions are different, with different balances between supply and demand), there is a case for maintaining broad equivalence - not least for the sake of potential applicants. This will be particularly important if more standardised approaches to contextual admissions/minimum entry standards are adopted across Scotland.

Multiple Equality Measures

The final type of measure is to combine area-based metrics with individual-level indicators. The Universities and Colleges Admissions Service (UCAS) has developed a Multiple Equality Measure (MEM) along these lines, although currently it only covers England. The MEM combines sex, ethnic origin, residence (POLAR in England, although SIMD could be substituted if MEM is extended to

Scotland), school type (state or independent) and income (based on registration for FSMs). Like POLAR and SIMD it is divided into quintiles from MEM group 1, the most disadvantaged, to MEM group 5, the least disadvantaged, based on calculations of the probability of going on to higher education via UCAS. Although this 'mixed' metric clearly has potential, it combines people with very different forms of potential disadvantage, for which there are different remedies.

Discussion, conclusions and recommendations

The choice between individual-level indicators and area-based metrics such as SIMD in measuring disadvantage, or some combination of the two, is not simply a technical matter. It also reflects fundamentally different accounts of the causes of inequality in access to higher education and how fair access is best achieved. The first, which can be labelled the 'individual' account, focuses on identifying, and to some degree, compensating for individual deficits in terms of social and cultural disadvantage and, in particular, educational experience. The second, the 'social' account, emphasises deep-rooted, multi-faceted, community-based and (often) inter-generational deprivation.

The 'individual' account steers policy makers, institutional leaders, academic and admissions staff and access practitioners to seeing fair access in terms of opening up pathways into higher education for those individuals who, due to force of circumstances, have been 'left behind' in the race of higher education. In other words, the emphasis is on promoting greater social mobility through improved access to higher education, or the co-option of the 'deserving [educationally] poor'. There are three objections to this interpretation of fair access:

"The choice between individual-level indicators and area-based metrics ... is not simply a technical matter. It also reflects fundamentally different accounts of the causes of inequality in access to higher education and how fair access is best achieved."

- It is essentially a continuation of the approach taken to the expansion of higher education opportunities, in Scotland and across the whole of the UK, since the 1960s, although now perhaps with a stronger sense of political urgency. Without underestimating the social and cultural (as well as economic) benefits produced by that expansion, this approach has done little to narrow the access gap;

- Universities are allowed to remain within their 'comfort zones'. Fair access is largely focused on improving admissions and student support systems to remove hidden or unintended barriers. Universities' core values and practices remain unchallenged. There is less need to ask difficult questions about the extent to which these core values and practices may have been complicit in producing the access gap;

- There is a risk that improved social mobility, in the absence of seriously addressing the greater need to promote social justice against a background of multiple and entrenched deprivation, may actually weaken still further the social cohesion of deprived communities if fair access produces an exodus of the potentially most talented and motivated young people.

In contrast, the 'social' account steers those policy makers, institutional leaders, academic and admissions staff and access practitioners to seeing fair access in the wider context of social justice (and greater equality of outcomes). My work as Commissioner has inclined me strongly to this second interpretation of fair access. In my view, it is the best way to address the

underlying conditions that produce unfair access to higher education; to persuade universities to take a more self-critical approach to their core values and practices (on, among other things, academic progression and graduate attributes) which may reflect and even entrench existing inequalities; and to strengthen communities that are suffering from multiple deprivation (which is why there should be strong links between fair access and community engagement). The following recommendations are made in this spirit:

Recommendations for targets and measures

National targets for the whole HE sector, and minimum targets for individual institutions, should be retained in order to maintain the momentum of progress towards fair access, and to provide transparency and accountability.

SIMD should be retained as the core metric for measuring progress towards fair access, at both whole sector and institutional levels.

It should be supplemented by incorporating a small number of individual-level indicators of disadvantage into fair access policy and monitoring of progress.

The two individual-level indicators that should be incorporated are registration for free school meals, at any time during secondary education, and care experience. Efforts should be made to improve the reliability and timely availability of these indicators. Those with these individual level indicators should not count towards the existing SIMD targets but the Scottish Government should reflect these other groups in future targets.

The case for treating race and ethnicity in a similar way should be actively explored.

The development of individual-level indicators better suited for identifying disadvantage among older applicants should be a priority.

Other indicators such as school environment, socio-economic status of parents and their experience of higher education are not suitable for incorporation in national targets. But this should not downgrade their use by individual universities.

The use of 'mixed' metrics, such as MEM, should be explored, although at this stage they are likely to be more useful as research tools than as policy instruments.

Universities should avoid the proliferation of 'markers' of deprivation, to avoid the over-identification of potentially disadvantaged applicants, and to promote greater transparency (and transferability between institutions).

CHAPTER 3: SCHOOL PERFORMANCE AND FAIR ACCESS

My last Annual Report did not consider the impact of school reforms on fair access to higher education, as has already been indicated in the introduction. This was a major gap. The majority of undergraduates come straight from school - or after only a short gap. This is especially true of the ancient and other more selective universities. More older students are recruited by post-1992 universities, but they are still a small minority. So changes in schools have a direct impact on higher education (although it is also true that the expectations and formal entry requirements of universities have an important influence on what happens in schools, especially in the senior years).

"although undergraduates are very largely school leavers, the reverse is not the case. (Direct) higher education entrants are still a minority among school leavers."

The default, and optimistic, assumption typically is that school and higher education reforms are aligned, and therefore that recent school reforms will necessarily have supported efforts to achieve fairer access to higher education. However, although undergraduates are very largely school leavers, the reverse is not the case. (Direct) higher education entrants are still a minority among school leavers. In 2017/18 less than half of school leavers (41.1 per cent) continued on to higher education compared with 26.5 per cent who took further education courses (although some of these will progress to higher education later) and 22.7 per cent who went straight into employment. School reforms have to address the needs of this wider population - all pupils. This may seem an obvious point. But it can be too easy for people in universities lazily to assume that the main function of schools is as a supply chain. It also means that the alignment between school reforms and higher education policies, even those designed to produce fair access by widening higher education's social base, can never be complete.

"the alignment between school reforms and higher education policies, even those designed to produce fair access by widening higher education's social base, can never be complete."

This section of my report covers two major topics:

• School reforms, in particular the Curriculum for Excellence (CfE);

• Improving standards, the attainment gap and the pool of school leaver entrants.

It concludes with a discussion and recommendations.

School reforms

Curriculum for Excellence

The most significant schools reform in recent years has been the introduction of the Curriculum for Excellence, which was introduced in 2012 although its origins go ten years further back to a national report. CfE has been called Scotland's 'national curriculum' (although it has little in common with the National Curriculum in England). In many respects it is its opposite. CfE is

an enabling framework establishing the overall philosophy and guiding principles according to which the 3-18 curriculum should be organised. Compared with SATS in England, national testing is light-touch and takes the form of standardised assessments at P1, P4, P7 and S3 to support teachers' professional judgments on CfE 'levels'. Within broad curriculum guidelines – so-called 'curriculum documents' – individual schools have wide discretion. Unlike the English National Curriculum CfE is deliberately child-centred, and based on learner needs rather than the acquisition of qualifications.

CfE comes in two phases: broad general education from pre-school through to S3; and a senior phase covering S4-S6. A deliberate aim is to reduce specialisation in the first two years of secondary education. It emphasises interdisciplinary learning throughout, and in the senior phase encourages a more varied choice of subjects and experiences, vocational as well as academic. It also allows pupils to acquire qualifications more flexibly across the senior phase rather than necessarily on an annual basis. The aim is to reduce the number of National 4 and 5 courses to allow time for other activities such as work and community experience.

CfE has been criticised on two grounds:

- The first criticism is the potential reduction in courses in the senior phase, a politically contentious issue that may have generated more heat than light. This has three potential issues for access to university. The first issue is that this could lead to a narrowing of choices in higher education; if courses at S4 are reduced, learners may be limited in the range of courses for which they are qualified (according to current entry criteria). A second issue is that some universities have restrictions on when qualifications are acquired, which is at odds with CfE's philosophy that schools and pupils should have greater flexibility about the timing of qualifications across the whole senior phase and that what matters is the overall achievement of pupils at the end of S6. However, there is a counter argument that by taking a more creative approach to the senior phase schools are better preparing young people for independent study in university by giving them a wider range of experiences. Finally, schools in more deprived areas may not be able to offer as many subjects as those in more prosperous areas for a range of factors, including teacher shortages. However, this should not be exaggerated. According to analysis by 'The Times' in 2017, on average, schools in the least deprived areas offer 23 Higher subjects, while schools in the most deprived areas offer 17 – still a considerable choice. Overall the problem with the number of subjects appears to be not so much with Highers, which matter most to universities, as at National 5, where teacher confidence with a new qualifications remains an issue, and Advanced Highers, which can be mitigated by establishing Advanced Higher hubs;

- The second criticism is that CfE's emphasis on interdisciplinary learning, and on skills rather than knowledge acquisition, means that pupils are less well prepared for higher education, especially degree-level study in a traditional university. Some critics have a general objection to too much emphasis being placed on skills without the foundational and contextual knowledge required for their development, although it is important to note that a similar emphasis can be observed in universities (for example, the promotion of problem-based learning and introduction of course elements on employability and even entrepreneurship). Other critics see an explicit link to fair access. This typically forthright comment came from Professor Lindsay Paterson of the University of Edinburgh:

> 'If schools stop teaching structured knowledge, then inequality of access will widen because the children of the well educated and wealthy will get it in other ways.'

Other reform initiatives

Inevitably CfE has been the focus of school reform. But three other initiatives taken by the Scottish Government have important implications for schools, and access to higher education.

Getting It Right For Every Child (GIRFEC): This initiative dates back to 2006 but was given legislative form in the Children and Young People (Scotland) Act 2014. Largely focused on younger children and covering a range of public services apart from education, in particular health, this initiative established a set of principles and values to guide the work of all professionals concerned with the development and welfare of children and emphasised the need for joined-up working. The public debate about GIRFEC has tended to be dominated by controversy about the 'named person' scheme. However, its child-centredness has strong affinities with the principles underlying CfE.

"as more school leavers follow vocational pathways and acquire HNC/Ds, and then aim to transfer on to degree courses, smooth and seamless articulation becomes even more crucial."

Developing the Young Workforce (DYW): This initiative emphasises the need to develop vocational pathways as part of a youth employment strategy for Scotland. The percentage of school leavers with a vocational qualification at SCQF Level 5 or above has increased from 7.3 per cent in 2013/14 to 14.8 per cent in 2017/18. DYW also encourages the growth of Foundation and Modern Apprenticeships. The focus of this initiative is not on higher education entrants but school leavers who enter employment. But DYW has implications for fair access. Foundation apprenticeships, which are SCQF Level 6 and offered in partnerships between colleges and employers, offer valuable work-based learning – which can, and should, lead to degree-level study. Also as more school leavers follow vocational pathways and acquire HNC/Ds, and then aim to transfer on to degree courses, smooth and seamless articulation becomes even more crucial. Yet this continues to be one of the areas in which least progress has been made. Although not all HNC/D students come from deprived areas, the stark difference between college/HN and university first degree student profiles in terms of SIMD suggests that any failure to offer smooth progression from HNs to degree-level study will impact more on less advantaged students.

The Learner Journey 15-24: This initiative covered a wide range of topics, including the embedding of DYW in the school curriculum by 2021, the need for an expanded offer in S4 and S5 (to address one of the main criticisms of CfE), and to increase the number of graduate apprenticeships. A key theme in the Learner Journey report was the need to improve the 'alignment' of the education system, and it looked in particular at potential duplication or provision at SCQF Level 7.

"the overall vision set out in the Learner Journey report, of a better aligned and integrated system of higher and further education, and skills training, for all young people in Scotland, would make it easier to achieve fair access to universities."

The report highlighted the small number of S6 learners who were admitted to Year 2 of degree courses, and the poor record on articulation which meant that only half of transferring HNC/D holders were given full credit. Although the Learner Journey review did not focus directly on fair access, 'alignment' in particular has important implications for opening up university entry to disadvantaged students. Any reduction in the overall length, and so personal cost, of higher education would clearly benefit less affluent students. But any reduction might also give them less

time, and therefore make it more difficult for them, to adjust to the demands of degree-level study. However, the overall vision set out in the Learner Journey report, of a better aligned and integrated system of higher and further education, and skills training, for all young people in Scotland, would make it easier to achieve fair access to universities.

Improving standards, the attainment gap and the pool of SIMD20 applicants

The attainment gap between school leavers from the most deprived and the least deprived areas remains one of the most contentious political issues in Scotland. It is at the heart of claims by opposition parties in the Parliament that the Scottish Government has failed to achieve one of its most important priorities. The Scottish Government counters by pointing to evidence of improvement. As a result it is difficult at times to disperse the fog of politics in order to get a true picture of what has been happening both to overall standards and to the attainment gap. Each new set of statistics is cherry-picked by Scottish Government and opposition alike to support their respective arguments.

To address the attainment gap the Scottish Government has created an Attainment Fund of £750 million over the course of this parliamentary term (2016/2021), which is used in two ways. The first is to identify, and support with additional funding, 'Challenge [local] Authorities', all of which are currently in the west of Scotland apart from Dundee. This has allowed high-performing local authorities like Glasgow to play a key coordinating role for initiatives that address both the attainment gap and fair access to higher education. The second is the creation of a Pupil Equity Fund worth £120 million a year, which provides extra funding to headteachers to spend on measures designed to close the attainment gap. Currently more than 9 out of 10 schools receive some Pupil Equity Funds which are calculated in terms of registration for FSMs. Attainment adviser posts have also been funded in every local authority. Opposition parties have countered by arguing this fund cannot compensate for general under-funding of schools, and in particular teacher shortages, which in their view are the root causes of the attainment gap.

It is not part of my remit as the Commissioner to become involved in these political arguments. However, four trends are clear from the latest statistics for 2017/18 school leavers:

- There has been a steady improvement in standards as measured by the number of leavers with SCQF Level 6 qualifications, which are most relevant in the context of entry to higher education;

- However, the proportion of school leavers with Level 4 and 5 or better qualifications has declined slightly since 2016/17, despite the proportion with a pass at Level 5 or better increasing steadily between 2009/10 and 2016/17;

- There continues to be a large attainment gap between the standards achieved by school leavers from the most deprived and the least deprived areas, as measured in the same way. The gap at SCQF level 6 has closed slightly from 37.6 to 37.4 percentage points between 2016/17 and 2017/18. But at SCQF levels 4 and 5 it has increased slightly, from 5.9 to 6.1 and from 19.3 to 20.3 respectively;

- Although 30 per cent of school leavers have five Higher passes (or equivalent) or more, a record proportion, the total number of school leavers has remained fairly stable - and actually declined from 51,300 in 2016/17 to 49,748 in 2017/18. This reflects Scotland's overall demography, and has obvious implications for the total pool of potential applicants to higher education, and in particular potential applicants from more deprived areas.

The impact on fair access to higher education is twofold:

1. The access gap in higher education is an inevitable reflection of the attainment gap in schools - to some degree. It is argued that universities cannot be expected to over-compensate for inequalities in pupil performance by having variable entry requirements (designed for that purpose as opposed to assessing future potential); and that they must continue to demand high academic standards. True - but only up to a point. The access gap to higher education between the most and the least deprived is currently wider than the attainment gap between the most and least deprived in schools. So the attainment gap cannot fully explain, or justify, the access gap. It is also important to note that demand for higher education is not wholly determined by 'push' factors - more pupils getting more (and better) qualifications and therefore an increase in the number of suitably qualified applicants, but also influenced by 'pull' factors such as the willingness of universities to embrace fair access and be more flexible in both the grades they require (which is being addressed by the development of contextual admissions and minimum entry standards, although perhaps too timidly) and the subjects at National and Higher grade they require for entry to particular courses. A more open stance on admissions on the part of universities sends a powerful message back into schools, and provides schools and pupils with a significant incentive to raise standards.

> *"demand for higher education is not wholly determined by 'push' factors - more pupils getting more (and better) qualifications ... but also influenced by 'pull' factors such as the willingness of universities to embrace fair access"*

2. The comparatively modest progress made towards narrowing the attainment gap, combined with a fall in the total number of school leavers, means the pool of potential SIMD20 applicants has not increased significantly. This carries two risks:

   • The first risk is that, in order to meet their targets, universities will compete for these applicants. This could produce a zero-sum game by simply shuffling a limited number of suitably qualified SIMD20 candidates between universities, and also potentially hit college recruitment. The relative scarcity of suitably qualified SIMD20 applicants may also potentially set up a tension between collaborative efforts, usually on a regional basis, to promote fair access generally and the efforts of individual universities to secure their 'share';

   • The second risk is that the needs of disadvantaged groups living outside SIMD20 areas and also of applicants deprived in other ways, such as older entrants and those with disabilities, will be ignored. This is why, regardless of the metrics used to measure progress towards meeting national targets (and targets for individual institutions), it is important that universities use a wider range of measures tailored to their own circumstances. As I indicated in the previous section, nearly all universities follow this course.

The views of headteachers

Inevitably headteachers have a wide range of views about the transition from school to higher education in general, and about fair access in particular. Some schools, so-called 'high progression schools', send large numbers of their young people to university. For them this is routine business. In others, labelled 'low progression schools', going to university is still comparatively rare. Consequently, progression to university has to compete for resources with other pupil trajectories. Many schools emphasise a wide range of progression opportunities - university degrees, other higher education courses in colleges, further education, and direct employment (perhaps in apprenticeships or with other training experiences). One of the difficulties in assessing the 'fit' between schools and universities is that schools have to address the needs of all young learners while universities are predominantly interested in those who apply to them (although, hopefully, the number of applicants is growing and is drawn from more diverse backgrounds).

However, in discussions with headteachers some broad messages emerge:

• The first, intriguingly, is that widening access should not be regarded as 'an easy way' into higher education. Many pupils in schools in deprived areas nevertheless achieve good grades. Some local authorities have been more successful than others in their efforts to narrow the attainment gap. The reasons for this differential performance need to be better understood;

• Linked to this first message is a second, that applicants from deprived communities should not be treated as a special group, confusingly favoured and stigmatised at the same time in comparison with other applicants. Their achievements and needs are different in degree not in kind. Just as headteachers see all their pupils as a spectrum with diverse destinations, so university applicants should be regarded as a similar spectrum rather than as two 'tribes', of 'access' applicants and 'standard' applicants with separate and clearly defined needs;

• The third message is the conviction that schools have a clear sense of direction, putting the young person at the centre of everything they do. The aim is not just to get them over the next hurdle in terms of subjects and grades, but to offer the most relevant qualifications according to their ability. Also they believe emphasis should be placed on what young people have achieved at the end of the senior phase rather than the qualifications they receive year by year. There is a concern that not all universities have the same clear sense of direction;

• A fourth message is the need to avoid the transition from S6 to the first year of university study becoming a 'cliff edge'. There should be greater synergy between them. In particular it is crucial to reduce the 'social distance' between schools and universities, which is most strongly felt by school leavers from more deprived backgrounds. There should be more scope for collaboration in terms of curriculum (and also shared teaching with university staff contributing to the teaching of Advanced Highers). The duplication between S6 and the first year also needs to be reduced;

• A fifth message is that schools are faced with a 'myriad' of access and bridging programmes, which are often too narrow and restricted in their scope. Some headteachers argue that a body rather than individual universities should be ultimately responsible for these courses. They believe this could lead to greater simplification and produce significant savings, although this might be difficult to reconcile with autonomy of universities and the value of close local school-university links.

Discussion and recommendations

The aim of CfE is to create better learners, more resilient and adaptable young people. It is sometimes suggested that the CfE has been an obstacle to fair access to higher education because it is centred on young learners rather than focused on qualifications and because it emphasises broad learning rather than subject specialisation. In contrast university entrance is centred on grades, even if other contextual factors are now given greater weight. Most degree courses in universities are also discipline specific (although what counts as academic or professional discipline is not set in stone but changes over time). So universities are interested not only in grades but also the subjects in which grades were achieved (and, more controversially, the school year they were achieved in). My view is that the idea that there is some kind of culture clash between the CfE and the requirements of universities has been overstated and, to the extent that there is a clash, universities should adjust to what is happening in schools at least as much as schools should shape their curriculum to meet the needs of entry to university.

> *"the idea that there is some kind of culture clash between the CfE and the requirements of universities has been overstated and ... universities should adjust to what is happening in schools at least as much as schools should shape their curriculum to meet the needs of entry to university."*

Recommendations to support school and university alignment

The wider responsibilities of schools should be recognised by universities which should avoid attitudes and actions that may, however unintentionally, suggest that other pathways followed by school leavers are 'second best'. The aim should be to conceive of all these pathways as elements within a unified system of tertiary education and training.

The relationship between secondary education and higher education should cease to be defined largely in terms of the assumed 'deficits' of schools in preparing young people for university entrance. In the spirit of contextual admissions universities should be more flexible in the Higher subjects they require and the number of Highers as well as grades.

The differences between the senior phase of secondary education and university education in terms of the balance between skills acquisition and knowledge accumulation should not be exaggerated.

There should be greater synergy between the senior phase of secondary education, especially S6, and the first year of university, with more university staff involved in particular with helping to deliver Advanced Highers.

Although removing control of access and bridging programmes from universities would be undesirable, universities should move quickly to establish a more coherent and consistent network of these programmes.

CHAPTER 4: STUDENT NUMBERS

The final section of my report will consider a number of issues about overall student numbers which impact directly or indirectly on fair access. The most important is the continuing debate about the extent, if any, to which the admission of students from socially deprived communities 'displaces' other students because the total number of places in universities for Scottish domiciled students is capped (or, to be more precise, the budget for funded places is limited). The implications for this student number cap of the UK's decision to leave the European Union and the indirect impact of decisions on students fees and funding in England will also be considered.

"Concern about 'displacement' is likely to grow ... and must be confronted if fears about 'displacement' are not to erode the impressive political and public consensus that currently exists about the need for fair access to higher education."

The 'cap' and displacement

The debate about 'displacement' has great political salience. Along with the criticism of SIMD as an appropriate measure of progress towards fair access, the suggestion that well qualified Scottish students are being 'displaced' by the admission of more socially deprived students are the two most powerful arguments used against current fair access policies. The issue has been frequently raised in the Scottish Parliament by opposition MSPs. It is also reflected in letters sent by aggrieved parents to Ministers and to the Principals of the more selective universities. Concern

"entry rates have continued to rise across all SIMD quintiles since 2016 ... it suggests that, in aggregate, there has been no 'displacement'"

about 'displacement' is likely to grow. As with the argument about SIMD it deserves the most serious consideration, and must be confronted if fears about 'displacement' are not to erode the impressive political and public consensus that currently exists about the need for fair access to higher education.

Consideration of 'displacement' takes two forms: an examination of the available data to determine whether and, if so, to what extent it is happening; and a discussion about the equity of the current pattern of admissions to universities.

Is 'displacement' taking place?

The 'headlines' are:

- First, that the percentage of Scottish (and non-UK EU) acceptances - typically, those covered by the cap on funded places – that are Scottish has increased from 87.9 per cent in 2016 to 89.6 per cent in 2018. This is likely due to the decline in EU applicants to Scottish HEIs over the same period;

- Secondly, while the percentage of Scottish acceptances which are from SIMD20 areas has tended to increase, the percentage from the next two SIMD quintiles (who, it is has often been suggested, are the main losers as universities recruit more SIMD20 entrants) remained stable or declined slightly. However, it is important to emphasise that absolute numbers have increased in all SIMD quintiles since 2016 (Chart 6). Between 2015/16 and 2017/18, the number of SIMD20 full-time first degree entrants rose from 4,015 to 4,650, while the number of entrants from other

SIMD quintiles increased from 24,605 to 25,070 (admittedly at a slower rate). One possible factor might be that participation levels among the more affluent are close to saturation;

• Thirdly, entry rates have continued to rise across all SIMD quintiles since 2016 (Chart 4). Although the main reason for this improvement is a decline in the estimated number of 18 year-olds living in Scotland, it suggests that, in aggregate, there has been no 'displacement'.

Chart 6: Scottish and EU domiciled acceptances to Scottish HEIs by deprivation quintile (SIMDQ1=SIMD20), 2016 to 2018
Source: UCAS
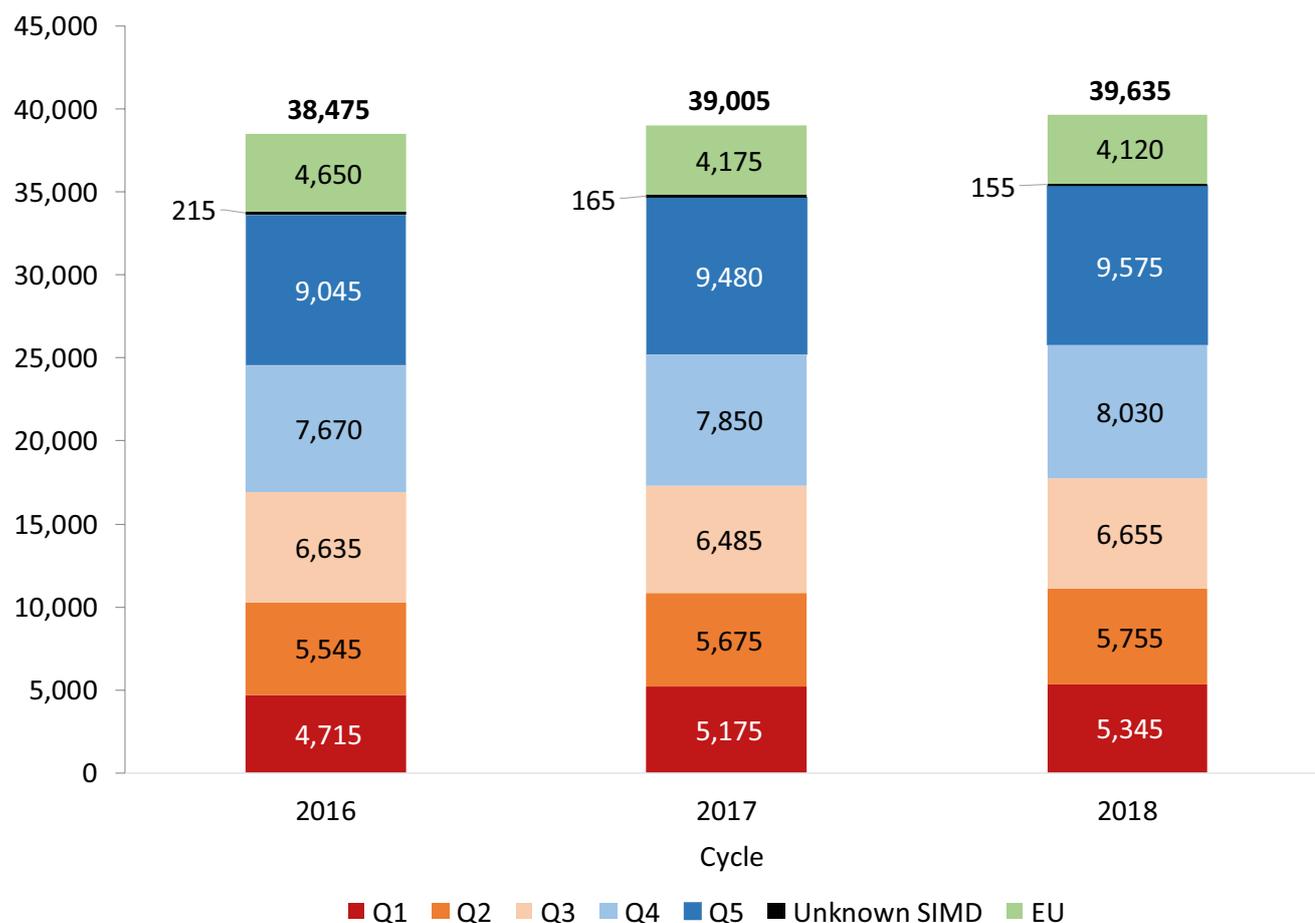
What the data tells us at subject level

However, these 'headlines' must be heavily qualified in a number of respects. First, only one year of data (2017/18) is available in which the direct impact of CoWA inspired targets can be observed. Percentage changes in earlier years reflect the natural evolution of universities' admissions policies on widening participation. Secondly, some subject areas have a small number of entrants that fluctuate year by year and reflect other changes, such as the introduction of new courses. Thirdly, SIMD20 entrants are concentrated in particular subjects. So their percentage share varies considerably, and their overall share is also influenced by any changes in the number of places in different subjects.

With these qualifications in mind, the data shows that between 2016/17 and 2017/18 there were increases in the percentage of full-time first degree entrants from SIMD20 areas in the great majority of subjects - 15 out of 18. The only subjects in which their percentage declined were

engineering and technology, agriculture and education. In comparison the percentage of SIMD20 entrants increased in a bare majority of subjects, 10 out of 18, between 2015/16 and 2016/17.

The most striking - apparent - turnaround was in mass communication where their share declined by 3.5 percentage points between 2015/16 and 2016/17 but increased by more than 5.1 percentage points between 2016/17 and 2017/18. However, this underlines the need for caution before making categorical statements about year-on-year changes in percentage shares. Mass communication is a small subject which typically recruits only small number of SIMD20 students. As a result there have been substantial year-on-year fluctuations in percentage shares, which have also affected other SIMD quintiles.

In law, a similar pattern can be seen - an increase of 4.4 percentage points between 2016/17 and 2017/18, following a 2.9 percentage point decline the previous year. Before that decline, which was mirrored by an even greater increase in the percentage of entrants from the top SIMD quintile while the percentages of entrants from the three middle SIMD quintiles remained the same, there had been a slow but steady increase in the percentage of SIMD20 entrants dating back to 2012/13, before the CoWA had been established.

Business administration, a relatively large subject, has followed another pattern. The percentage of SIMD20 entrants increased by 3.3 percentage points between 2016/17 and 2017/18, and exceeded the percentage shares of the next two SIMD quintiles (although, to demonstrate the complexity of these shifts, SIMD20 entrants already had a bigger share than entrants in the next SIMD quintile back in 2012/13).

In allied medicine, another large subject with more than 4000 Scottish domiciled entrants, SIMD20 entrants increased their percentage share by 3.1 percentage points between 2016/17 and 2017/18. But all five SIMD quintiles have very similar percentage shares, reflecting perhaps the comparative lack of interest in this subject among high-performing school leavers from more privileged social backgrounds.

In biological sciences, SIMD20 entrants appear to have gained ground between 2016/17 and 2017/18 by increasing their share of places by 2.5 percentage points, apparently at the expense of SIMD quintile 3 (which, to demonstrate the complexity of these fluctuations, had markedly increased its percentage share the previous year).

Finally, in medicine the percentage of SIMD20 entrants increased by 0.2 percentage points between these two years. But this gain was actually less than the year before the CoWA inspired targets came into operation.

Data conclusions

Two tentative conclusions can be drawn from this data. The first is that it is difficult to conclude that any 'displacement' can be attributed directly to the impact of COWA inspired targets. It seems more likely that the gradual narrowing of, still very unequal, percentage shares of full-time

"it is difficult to conclude that any 'displacement' can be attributed directly to the impact of COWA inspired targets."

first degree entrants between the five SIMD quintiles is the natural effect of universities' widening participation and admission policies. In other words, any 'displacement' that has taken place is a reflection of a growing consciousness across Scotland about the importance of fairer, and necessarily more equal, access to higher education and, in particular to universities.

The second is that it is also difficult to conclude that fair access policies (including both institutional practices and national targets) can fully account for the increasing percentage share of SIMD20 entrants that can be observed in most subjects. Fluctuations in the social mix of new entrants occur naturally, and can be magnified in small subjects. Some subjects naturally attract more SIMD applicants than others. As a result changes in the comparative numbers of students in different subjects can influence the overall percentage shares of different SIMD quintiles. Demographic factors are also important, and have not been fully evaluated. The only safe conclusion, based on the available data, is that a small amount of 'displacement' may be taking place in certain subjects, but not on the scale suggested by public debate on this issue.

Of course, this does not address the issue of the overall student number cap. But, even if the cap were to be raised, a narrowing of percentage shares would likely still tend to occur. In other words, applicants from the most advantaged social groups, who currently benefit from the unfair

> *"it is also difficult to conclude that fair access policies (including both institutional practices and national targets) can fully account for the increasing percentage share of SIMD20 entrants that can be observed in most subjects."*

distribution of university places, would inevitably experience some degree of comparative reduction in the proportion of places they comprise. But it is difficult to characterise this as any form of discrimination.

The overall allocation of public expenditure is a matter for decision by the Scottish Government which necessarily has to balance the undoubtedly strong claims of higher education against those of schools, the National Health Service and other public services. However, if the cap was increased, its impact on 'displacement' would be likely to be twofold. The first effect, much emphasised in public discussion, is that the increased availability of places would help to reduce concerns about 'displacement' because fewer applicants would suffer an absolute reduction in their chances of securing university places. The second effect, barely mentioned, is that the narrowing of the respective percentage shares of entrants across the top four SIMD quintiles would probably accelerate because it would no longer be constrained and inhibited by a keen awareness of the restricted availability of university places for Scottish domiciled students. So the relative reduction in opportunities for more socially advantaged applicants could well increase.

Equity in university admissions

Despite the tentative nature of the conclusions that can be drawn from the data, there can be little doubt that there is a strong, and perhaps growing, perception that Scottish domiciled applicants from more socially privileged backgrounds are being 'squeezed out' by Scottish domiciled applicants from socially deprived communities, specifically those living in SIMD20 areas, as well as by applicants from the rest of the UK and from outside the European Union.

Universities argue, with some justification, that reducing the number of places available currently filled by entrants from the rest of the UK and outside the EU would not make more places available to Scottish domiciled students because of the cap; and, more contentiously, that reducing these uncapped places would deprive the universities of additional funding that can be used to benefit all their students. However, while this argument has generally been accepted in the case of international, i.e. non-EU, students whom universities have been free to admit since at least the 1960s, the apparent discrimination between Scottish and other UK applicants has probably intensified the perception of unfair 'displacement'. It may appear that it is easier for an English applicant from a socially advantaged group to be admitted to a Scottish university than an equally

privileged Scottish applicant because of the cap - despite the awkward fact that the former would be charged £9,250 for tuition while the latter would enjoy free tuition (or that Scottish domiciled school leavers from socially privileged backgrounds are at liberty to apply to English universities). Nevertheless, the power of perceptions with regard to 'displacement' has to be acknowledged.

A particular argument that has gained currency is that, if there are more SIMD20 entrants and overall student numbers remained capped, the applicants most likely to be squeezed are those from the next most deprived SIMD quintile. This is a familiar argument about the so-called 'squeezed middle' caught between those with excellent grades from prosperous and well educated families who will always manage to find places and applicants from socially deprived communities who are favoured by fair access policies. It is an argument that is given additional rhetorical force because it is often implied that the applicants who are suffering most from 'displacement' are from working-class backgrounds who have worked hard at school and got decent grades.

There are two responses to this argument:

- First, there is little evidence from the data that it is a 'squeezed middle', or applicants from the next most deprived SIMD quintile, who have been most 'displaced'. To the extent that there is evidence of 'displacement', the data reveals no particular pattern of relative loss of advantage. There is at least as much evidence that it is applicants from the top SIMD quintile who are being 'displaced' as a result of fair access policies as applicants from the three middle quintiles;

- Second, even if applicants from the second most deprived SIMD quintile were being squeezed out by the drive to recruit more SIMD20 students, the responsibility would lie squarely with the universities themselves. The contextual admissions policies being developed by all universities are sophisticated enough to allow universities to make appropriate allowance across the whole range of applicants, especially as in many universities a very substantial minority (or even majority) of applicants have at least one contextual admissions 'flag'. Fair access does not end with SIMD20.

In the end there is no alternative to confronting directly the issue of 'displacement'. If it is important that fair access to higher education is achieved (and there is no - public - dissent to this objective), then it logically follows that it is possible that applicants from currently (and unfairly) over represented social groups

"in the end, the principle of securing fair access for all is more important than the need to avoid at all costs 'displacement'."

will suffer some modest reduction, certainly in comparative and perhaps in absolute terms, in their chances of securing university places - especially to the most competitive subjects and the universities with the greatest prestige. There is no way round that logical possibility. The only way to remove it completely would be to abandon the drive to fair access. Exactly the same considerations apply to the current debate about the underrepresentation of women across wide tracts of national life, or the struggle to rectify previous discrimination against black students in US universities. In practice, the general incidence and severity of any disadvantage suffered by applicants from socially advantaged groups are slight - although that is not to deny there may be individual 'hard cases'. But in the end, the principle of securing fair access for all is more important than the need to avoid at all costs 'displacement'.

The implications of Brexit

When, or if, the UK leaves the European Union, the Scottish Government would no longer be obliged as a matter of EU law to provide free tuition to non-UK EU students alongside Scottish domiciled students. In the event that the Scottish Government chose not to continue to provide free tuition to non-UK EU students, they would also cease to be included within the cap on student numbers. It has been argued that, in that eventuality, the cap should not be reduced *pro rata* but maintained at its current level, creating more head room for the recruitment of extra Scottish domiciled students. These additional funded places could then be used to mitigate the effects of any 'displacement'.

After Brexit other EU students could be treated as international students and be charged the same fees as other international students. If the number of other EU students entering Scottish higher education remained at or near its current level, institutions would stand to gain significant additional income. If at the same time the student number cap was maintained at its current level, they could enjoy a win-win situation - no reduction in public funding and additional fee income from EU students.

However, this enticing prospect has to be qualified in a number of ways:

• First, already since the referendum the number of students from the EU (excluding those from the rest of the UK) on first degree courses in Scottish universities has declined, although not dramatically. While they made up 9.5 per cent of all full-time first degree students in 2017/18, their percentage of first year students was 8.8 per cent. Between 2016/17 and 2017/18 full-time first degree entrants from the EU (apart from those from the rest of the UK) declined from 4,370 to 3,865, although it was still higher than the year before, which suggests there may have been a temporary post-referendum blip. In the longer-term a collapse of EU student demand seems unlikely given the quality of Scottish universities and the attractions of studying in an Anglophone country;

• Second, the Scottish Government has already announced that 2020/21 entrants from the rest of the EU will still be eligible for free tuition. In England the UK Government has now given a similar guarantee. Even if EU students become liable to pay international student fees from 2021/22, the full effect of this change would not be felt until 2024/25. This lengthy transition also poses difficulties with regard to the student number cap. The budget for funded places could well be adjusted for other reasons over this period in successive public spending reviews, which would make it difficult to assess whether any promise to maintain the cap post-Brexit had been kept;

• Third, colleges and universities will have to make a strong case for maintaining the current student number cap, and current level of public expenditure, after Brexit. Inevitably there will be arguments within Scottish Government that to ignore the removal of other EU students from the cap and the removal of the obligation to offer them free tuition, in effect, would offer a 'windfall' to higher education, which would at a minimum need to be assessed against competing claims from other public services. If the number of other EU students held up, an even stronger case will need to be made to persuade the Scottish Government to ignore the additional income produced by the fees they would then be liable to pay. A case based on advancing fair access is likely to be more persuasive than one based on mitigating 'displacement' of applicants from more socially advantaged backgrounds;

- Finally, there will be strong political pressures to make special arrangements for other EU students, to demonstrate Scotland's solidarity with the rest of Europe. Universities themselves may also wish to make such arrangements to highlight, and safeguard, their European links. Given the uncertainties that surround the terms of any UK withdrawal from the EU, and of any future partnership, it is difficult to assess what form any special arrangements might take. There could also be legal complications. European law allows Scottish universities to charge entrants from the rest of the UK fees (because national Governments can discriminate between their own citizens) but obliges them to treat other EU students in the same way as Scottish domiciled students (because discrimination against citizens of other EU states is not allowed). After Brexit European law would no longer apply and a new legal basis would need to be found for continuing discrimination against students from the rest of the UK compared with students from the rest of Europe (not only EU member states?). Currently there are 21,430 full-time first degree students from the rest of the UK studying in Scottish universities, whose fees represent a significant source of income.

These qualifications underline the complexity of the position of other EU students after Brexit. The safest conclusion is that any Brexit 'bounty' is likely to be limited - and late. Even if the current student cap is maintained, and all EU students become liable to pay international student fees without any special arrangements being made, it would not be sufficient to change substantially the terms of the debate about 'displacement'.

Augar review of student funding in England

The Independent Panel for the Post-18 Education and Funding Review in England led by Philip Augar made far-reaching proposals for reforming student fees and funding in its report published last month. The proposal most likely to have an impact on Scotland is the panel's recommendation that the maximum fee should be reduced from £9,250 to £7,500 a year. If implemented, this change would have two implications for Scottish universities. First, their income from charging English students would be reduced, which could have a significant impact on some universities. In 2017/18, at the University of St Andrews there were 520 English first degree entrants, compared with 570 that were Scottish, while the University of Edinburgh enrolled more English first degree entrants (2,045) than Scottish (2,025). Second, English universities would become comparatively cheaper for Scottish students. Although far fewer Scottish students go south of the Border for their higher education than English students attending Scottish universities, it is possible that applicants from more socially advantaged backgrounds, who fear 'displacement' by SIMD20 students, might find it a more attractive proposition.

However, the main impact of the Augar review could be to vindicate Scotland's policy of free tuition. Moving towards the English model of high fees, backed by student loans and accompanied by targeted initiatives on widening participation, has been the private passion of some people in Scottish universities. But it has been clear for some time that this model, even setting to one side principled objections to its more aggressively 'market' tone, is unsustainable both for students (and graduates) and for tax-payers. Ever since the Office for National Statistics (ONS) decided at the start of this year that a much higher proportion of student loans should be counted as current public expenditure, radical overhaul of the English model has been inevitable. An overall student number cap is likely to be reintroduced in England to establish some degree of control over public expenditure on higher education, either directly or indirectly by restricting which types of student can be admitted to universities. If this happens, the argument that exceptionally in the UK Scottish domiciled students from more socially advantaged backgrounds are at risk of 'displacement' as a result of fair access and widening participation policies, will lose much of its salience.

Conclusions and recommendations

According to the available data there is limited evidence so far that 'displacement' of applicants from more socially advantaged backgrounds by SIMD20 applicants has been on a significant scale. But it would be a mistake to play down claims of 'displacement' - for two reasons. First, although there is limited evidence that the CoWA inspired targets have produced 'displacement' (perhaps because only one year of data is available), the impact of universities' own access and participation policies seems to have led to a gradual, but discernible, narrowing of the participation gap between entrants from different SIMD quintiles. Secondly, whatever the facts, there remains a powerful perception of 'displacement', which is reinforced by anecdotal evidence and individual cases. So this is a key issue that must be confronted.

Recommendations in relation to student numbers

The Scottish Government and the SFC should monitor closely the statistical evidence about 'displacement', so that national debate is based on the most reliable and up-to-date data rather than perceptions and anecdotes.

Universities should monitor the impact of fair access targets on opportunities for applicants from other social groups at subject and course level, with the same intention in mind.

Robust and honest arguments should be developed to explain and justify the need to secure a fairer distribution of opportunities across all social groups, concentrating on opportunities for the most disadvantaged (along the same line as the arguments on gender equality).

Any resources released by Brexit should be retained within the higher education system, but should primarily be used to promote fair access.

CONCLUSION

Good progress has been made towards fair access in higher education. Although it built on longer-term trends towards widening participation, the report of the COWA in 2016 (and the Scottish Government's decision to implement its recommendations, especially the suggested targets) appear to have energised and accelerated this process. As I have already said, political leadership has been crucial. But many others deserve credit - other national agencies such as the SFC, national organisations such as Universities Scotland, Colleges Scotland and NUS Scotland and, in particular, the institutions themselves. It has been a whole-system effort, and a whole-system achievement.

"Good progress has been made towards fair access in higher education."

"It has been a whole-system effort, and a whole-system achievement."

However, again as I have emphasised at several points in this report, much remains to be done. Complacency and disengagement are always risks, and the difficulties that lie ahead should not be underestimated. I have made a number of detailed recommendations - for example, on MERs and articulation. I have also attempted to address some difficult, and controversial, topics notably the choice between emphasising community deprivation and individual disadvantage, the long-standing debate about the use of SIMD, and the relationship between schools and universities (in particular, the impact of the attainment gap on fair access). It is important to work hard on these detailed topics, and to have these difficult debates.

"Complacency and disengagement are always risks, and the difficulties that lie ahead should not be underestimated."

Even more important is the need to think about fair access in a fundamentally different way. Still in Scotland, as in nearly every other country, fair access is conceived of in terms of <u>deficit</u>. It is seen in terms of carefully controlled compensation for the educational disadvantage of young learners from more deprived backgrounds. It is generally accepted that this will require lower standards. The debate is essentially about how much decline is acceptable without compromising overall academic quality and without setting students up to drop out or to fail. Instead, fair access must be seen in terms of <u>asset</u> - the positive qualities that students from more challenging social backgrounds bring to higher education (for example, determination and resilience) but also the positive benefits that institutions derive from having a wider, and more democratic base, with potentially transformative impacts on learning and teaching and on research (choice of topics, methodologies and channels of distribution). Above all, the case for fair access to higher education must be firmly located within a wider commitment to social justice and the vision of a 'good society' from which all ultimately benefit, the privileged as much as the deprived.

"Instead, fair access must be seen in terms of asset - the positive qualities that students from more challenging social backgrounds bring to higher education"

ANNEX

Entrants

Table 1: Scottish domiciled undergraduate entrants to Higher Education
Source: Scottish Funding Council

Statistic	2013-14	2014-15	2015-16	2016-17	2017-18
Entrants from SIMD20	14,730	14,440	14,740	14,920	15,995
% SIMD20	17.2%	17.5%	17.7%	17.7%	18.9%

Table 2: Scottish domiciled undergraduate entrants to Higher Education at Scottish colleges
Source: Scottish Funding Council

Statistic	2013-14	2014-15	2015-16	2016-17	2017-18
Entrants from SIMD20	8,060	8,160	8,380	8,565	8,780
Total entrants with known SIMD	35,945	35,595	36,630	36,920	36,145
% SIMD20	22.4%	22.9%	22.9%	23.2%	24.3%

Table 3: Scottish domiciled first degree entrants to Scottish HEIs by mode of study
Source: HESA Student Data, CFA Analysis

Mode	Statistic	2013-14	2014-15	2015-16	2016-17	2017-18
Full-time	Entrants from SIMD20	3,850	3,965	4,015	3,975	4,650
	Total entrants with known SIMD	28,205	28,540	28,620	28,785	29,720
	% SIMD20	13.7%	13.9%	14.0%	13.8%	15.6%
Part-time	Entrants from SIMD20	845	745	975	1,030	1,085
	Total entrants with known SIMD	5,245	5,005	5,820	6,270	6,690
	% SIMD20	16.1%	14.9%	16.8%	16.4%	16.2%

Note: Figures may not exactly match official published figures (see methodological note)

Table 4: Scottish domiciled full-time first degree entrants to Scottish HEIs reporting care experience, 2013-14 to 2017-18
Source: Scottish Funding Council

Statistic	2013-14	2014-15	2015-16	2016-17	2017-18
Care experienced entrants	145	170	160	170	255
Total entrants	28,285	28,640	28,770	28,885	29,880
% Care experienced	0.5%	0.6%	0.6%	0.6%	0.8%

Table 5: Scottish domiciled full-time first degree entrants to Scottish HEIs by HEI
Source: Scottish Funding Council

Higher Education Institution	Percentage SIMD20		
	2015-16	**2016-17**	**2017-18**
The University of Aberdeen	4.3%	5.1%	6.0%
Abertay University	16.7%	15.1%	19.1%
University of Dundee	14.3%	15.5%	15.8%
The University of Edinburgh	5.6%	6.4%	8.1%
Edinburgh Napier University	10.7%	10.7%	10.9%
University of Glasgow	12.1%	12.3%	12.3%
Glasgow Caledonian University	22.6%	20.9%	23.5%
Glasgow School of Art	14.6%	21.1%	13.9%
Heriot-Watt University Edinburgh	9.8%	8.5%	11.2%
University of the Highlands and Islands	8.0%	7.3%	8.3%
Queen Margaret University Edinburgh	9.1%	9.1%	9.9%
Royal Conservatoire of Scotland	13.1%	13.3%	13.2%
Robert Gordon University	6.7%	6.4%	6.5%
Scotland's Rural College	8.3%	7.5%	10.4%
University of St Andrews	5.1%	5.5%	7.5%
The University of Stirling	12.3%	12.0%	15.9%
The University of Strathclyde	13.7%	14.5%	16.6%
University of the West of Scotland	27.5%	27.5%	29.4%

Retention

Table 6: Scottish domiciled full-time first degree entrants returning to study in year 2
Source: Scottish Funding Council

Statistic	2013-14	2014-15	2015-16	2016-17	2017-18
Overall retention rate	91.7%	91.4%	91.3%	91.8%	92.5%
SIMD Q1 retention rate	87.8%	88.2%	87.1%	87.4%	89.4%
Care-experienced retention rate	-	85.5%	85.2%	87.0%	87.2%

Graduate outcomes (destinations) are not included since publication of the HESA Destination of Leavers of Higher Education (DLHE) survey has ceased (the final published statistics on 2016/17 leavers) following a major review of these statistics. Data for the new Graduate Outcomes Survey is due to be published in Spring 2020 and will not be comparable with previous published figures: graduates will be surveyed 15 months after finishing their studies, compared to the 6 month period previously used in the DLHE.

Applicants, offers and acceptances

Table 7: Scottish domiciled applicants (18 year-olds) to Scottish HEIs by applicant cycle
Source: UCAS Sex, area background and ethnic group undergraduate reports (2018; 2016), CFA Analysis

Statistic	SIMD quintile	2013	2014	2015	2016	2017	2018
June deadline applicants	Q1	1,740	1,995	1,935	2,025	1,995	1,915
	Q2	2,515	2,605	2,670	2,665	2,565	2,450
	Q3	3,585	3,650	3,735	3,515	3,445	3,305
	Q4	4,680	4,720	4,750	4,705	4,545	4,370
	Q5	6,335	6,230	6,280	6,160	6,145	5,960
Offers	Q1	4,770	5,700	5,280	5,350	6,025	6,070
	Q2	6,810	7,770	7,515	7,475	7,605	7,635
	Q3	9,100	9,680	9,590	8,795	8,880	8,590
	Q4	12,135	12,805	12,700	12,125	11,855	11,720
	Q5	16,965	17,595	17,470	16,730	16,965	16,535
Offer Rate	Q1	62.2%	63.6%	61.2%	58.4%	66.7%	70.4%
	Q2	61.5%	66.6%	62.8%	61.9%	65.9%	69.0%
	Q3	58.2%	60.0%	57.5%	56.5%	58.4%	58.5%
	Q4	59.0%	61.6%	60.4%	58.3%	58.7%	60.2%
	Q5	61.7%	64.0%	63.1%	61.6%	62.6%	62.6%
June deadline acceptances	Q1	1,115	1,215	1,115	1,215	1,290	1,370
	Q2	1,660	1,735	1,765	1,800	1,815	1,815
	Q3	2,310	2,405	2,395	2,355	2,315	2,325
	Q4	3,170	3,210	3,240	3,195	3,190	3,200
	Q5	4,470	4,380	4,390	4,415	4,485	4,470
Acceptance rate	Q1	64.1%	60.9%	57.6%	60.0%	64.7%	71.5%
	Q2	66.0%	66.6%	66.1%	67.5%	70.8%	74.1%
	Q3	64.4%	65.9%	64.1%	67.0%	67.2%	70.3%
	Q4	67.7%	68.0%	68.2%	67.9%	70.2%	73.2%
	Q5	70.6%	70.3%	69.9%	71.7%	73.0%	75.0%
Acceptances	Q1	1,235	1,305	1,215	1,315	1,405	1,450
	Q2	1,835	1,845	1,935	1,960	1,955	1,965
	Q3	2,585	2,530	2,685	2,610	2,540	2,525
	Q4	3,470	3,380	3,560	3,555	3,505	3,515
	Q5	4,760	4,605	4,685	4,705	4,800	4,735
Entry rate	Q1	9.4%	9.9%	9.5%	10.6%	12.1%	12.7%
	Q2	15.7%	15.9%	17.0%	17.6%	18.3%	18.6%
	Q3	21.7%	21.4%	23.1%	23.1%	23.4%	24.1%
	Q4	28.0%	27.3%	29.1%	29.5%	30.0%	31.3%
	Q5	38.2%	37.2%	38.4%	39.4%	38.4%	39.7%

Note: Figures may not exactly match official published figures (see methodological note)

Table 8: Scottish domiciled applicants (all ages) to Scottish HEIs by applicant cycle
Source: UCAS Sex, area background and ethnic group undergraduate reports (2018; 2016), CFA Analysis

Statistic	SIMD quintile	2013	2014	2015	2016	2017	2018
June deadline applicants	Q1	6,190	6,600	7,240	7,460	7,515	7,495
	Q2	6,740	7,050	7,930	8,015	7,730	7,865
	Q3	8,185	8,410	9,265	9,360	9,020	8,975
	Q4	9,375	9,515	10,545	10,765	10,765	10,545
	Q5	11,530	11,470	12,575	12,755	12,935	12,920
Offer rate	Q1	51.3%	50.4%	46.8%	46.5%	51.0%	54.0%
	Q2	51.8%	53.7%	49.6%	49.5%	52.5%	53.8%
	Q3	50.5%	51.9%	48.1%	46.9%	49.1%	50.0%
	Q4	52.6%	54.8%	51.4%	50.1%	50.2%	52.1%
	Q5	55.2%	56.9%	54.1%	53.3%	54.1%	54.7%
June deadline acceptances	Q1	3,610	3,850	4,065	4,205	4,625	4,860
	Q2	4,015	4,305	4,750	4,850	5,000	5,090
	Q3	4,880	5,160	5,510	5,705	5,585	5,705
	Q4	5,920	6,030	6,580	6,655	6,850	6,995
	Q5	7,475	7,520	8,075	8,305	8,665	8,800
Acceptance rate	Q1	58.3%	58.3%	56.1%	56.4%	61.5%	64.8%
	Q2	59.6%	61.1%	59.9%	60.5%	64.7%	64.7%
	Q3	59.6%	61.4%	59.5%	61.0%	61.9%	63.6%
	Q4	63.1%	63.4%	62.4%	61.8%	63.6%	66.3%
	Q5	64.8%	65.6%	64.2%	65.1%	67.0%	68.1%

Note: Figures may not exactly match official published figures (see methodological note)

School attainment

Attainment statistics below focus on <u>SCQF levels 6 and 7</u>, since these are typically the level of qualification required to enter most undergraduate courses at Scottish institutions.

Table 9: Percentage of school leavers by total qualifications achieved, by SIMD quintile
Source: Attainment and Leavers Destinations 2017/18, Scottish Government

Total qualifications achieved	SIMD quintile	Percentage of leavers					
		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
1 or more passes at SCQF Level 6 or better	Q1	34.9	38.5	41.2	42.7	43.0	44.4
	Q2	45.0	49.1	50.6	52.2	52.4	52.8
	Q3	55.8	57.2	60.3	62.2	62.0	62.5
	Q4	65.7	66.9	69.2	71.1	70.5	70.5
	Q5	77.3	79.1	80.3	81.2	80.6	81.8
	All	**55.8**	**58.1**	**60.2**	**61.7**	**61.2**	**62.2**
1 or more passes at SCQF Level 7 or better	Q1	6.8	7.5	7.8	8.1	8.6	9.1
	Q2	10.6	12.0	11.7	12.5	12.7	13.4
	Q3	16.0	17.2	17.6	17.9	18.8	19.4
	Q4	22.6	22.5	23.5	23.9	24.1	24.9
	Q5	32.2	32.4	33.7	33.9	33.8	34.7
	All	**17.6**	**18.3**	**18.8**	**19.1**	**19.3**	**20.2**

Methodological note

Scottish Index of Multiple Deprivation (SIMD)

The Commission on Widening Access defined entrants from deprived backgrounds as entrants from the bottom 20% of areas according to the Scottish Index of Multiple Deprivation (i.e. 'SIMD 20', 'SIMD quintile 1' or 'SIMD Q1' areas). This analysis considers SIMD to define those from deprived areas. SIMD data has been updated at various points in time, most recently 2009, 2012 and 2016. 2018 published data is used for cycles 2017 and 2018 throughout. 2016 published data is used for cycles 2013-2016. This ensures the version of SIMD used for the purposes of this analysis is consistent with the version that was available to institutions at the start of the application cycle and enables comparison with the discussion paper '<u>UCAS applications, offers and acceptances</u>'. However, this means that figures used throughout this analysis may not exactly match published figures, due to applying a different version of SIMD data, or in the way the data is applied to student records. Outlined below is the difference in methodology (where appropriate) to the published statistics, by data provider.

Universities and Colleges Admissions Service (UCAS)

When a new version of SIMD is published, UCAS has historically applied this version to latest statistics, as well as statistics relating to previous years in time-series in the current publication. As a result of this, UCAS applied a SIMD version that was not available to institutions at the time of application for statistics referring to the 2016 cycle (and previous cycles) published in the 2018 cycle data. For this reason, we collate UCAS data for 2017 and 2018 cycles from the 2018 cycle data (using SIMD 2016), and data for previous years from the 2016 cycle data (using SIMD

2012). This also coheres with the data published for cycles up to and including 2016 in the 'UCAS applications, offers and acceptances' discussion paper.

Higher Education Statistics Agency (HESA)

Beginning January 2019, HESA have published high-level figures on the number of full-time first degree entrants to Scottish HEIs from SIMD 20 areas across the last 5 years. The methodology used in the analysis in this report adheres to the HESA methodology from 2016/17 academic year onwards, but uses a different postcode lookup file to determine SIMD quintiles for previous years, resulting in slightly different numbers for earlier years.

Scottish Funding Council (SFC)

Figures published by SFC differ in the methodology used in this analysis for various reasons: SFC figures use a population-weighted SIMD, rather than the standard SIMD methodology adopted by the Scottish Government; SFC use different postcode lookup files and treats postcode geography slightly differently to this analysis; this analysis uses the standard population of students as defined by HESA, whereas SFC has a different definition for the student population.

Age

For Scottish domiciled applicants, UCAS records age as the age of the applicant on February 28th in the year after application. For example, in the 2016 applicant cycle, where the majority of those placed will enter university in the academic year 2016/17, an applicant's age at 28th February 2017 is recorded.