Fair Access To Higher Education: Progress And Challenges

Annual Report 2020

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Targets

The interim target that by 2021 16 per cent of full-time first-degree Scottish domiciled entrants to higher education institutions in Scotland should come from the 20 per cent most deprived communities as measured by the Scottish Index of Multiple Deprivation (SIMD) has effectively been met two years early (15.9 per cent in 2018-19). But the rate of progress, a gain of 0.2 percentage points in the most recent year, has been slower than the previous year, when there was a gain of 1.8 percentage points. So there may now be fewer grounds for optimism that the next interim target - 18 per cent of full-time first-degree entrants by 2026 - and the final target - 20 per cent of all HE entrants by 2030 - will be easy to achieve.

Minimum entry requirements

All universities have now developed, and published on their websites, minimum entry requirements (MERs) for applicants from SIMD20 areas and suffering from other forms of disadvantage. This is a significant achievement, although it is too early to assess how much difference this will make to participation rates among socially deprived communities. The visibility of MERs on university websites, and so their impact on application rates, varies. But particularly welcome is the promise that all care-experienced applicants who meet MERs will be guaranteed an offer of an undergraduate place at university.

Recommendation 1

Universities should consider adopting a common template, or common protocols, to present information about MERs on their websites and in any other publications to ensure maximum accessibility and transparency.

Outreach and bridging programmes

Excellent work continues to be undertaken in terms of outreach and bridging programmes, by individual universities, and Scottish Further and Higher Education Funding Council (SFC) supported regional groups and special initiatives. This work addresses a key issue, the lack of demand from socially disadvantaged young people. It is crucial that such work is properly resourced and sustainable funding is guaranteed, and that the efforts of staff engaged in access work is fully respected.

Recommendation 2

Sustainable funding should be guaranteed for access organisations and new outreach initiatives, and in particular to ensure the further development of the Scottish Framework for Fair Access.

Articulation

Progress towards allowing Higher National (HN) applicants for first-degree courses suitable credit continues to be slow, despite the work of the National Articulation Forum. Only half receive advanced standing, and a substantial number receive no credit at all (which means they have to start from the beginning). Although the difficulty of matching HN and degree curriculum and learning approaches should not be underestimated, there still seems to be a deep rooted

resistance to developing truly open and flexible pathways for learners between colleges and universities within an integrated tertiary education system.

Recommendation 3

The case for an integrated tertiary education system, rather than discrete university and college, higher education and further education, education and training sectors, should be vigorously promoted in Scotland. In particular, there needs to be step-change in the proportion of HN students entering degree courses who are given advanced standing.

SIMD

The use of SIMD as the measure of progress towards fair access remains controversial. Some of the objections to its use are well founded, although others may reflect a reluctance to accept the legitimacy of standard national rather than customised institutional targets (even if this is not always acknowledged). Although in the medium term it would be desirable to complement SIMD with an individual-level metric, in the short term there is no real alternative to sticking with SIMD. UCAS has delayed including receipt of Free School Meals (FSMs), the obvious candidate, on university applications forms, and there are important issues about the comprehensiveness of existing FSMs data that are unresolved.

Recommendation 4

SIMD for the moment should remain the key measure for assessing progress towards fair access, although universities will continue rightly to use a range of self-chosen access markers. In the medium term FSMs could be used alongside SIMD, when issues of verifiability and coverage have been properly addressed.

COVID-19

The measures that the government, SQA, SFC and individual institutions have taken to address the Covid-19 pandemic, in particular school closures, the cancellation of examinations (and their replacement by teacher assessments) and the shift from face-to-face to online teaching in universities, although inevitable, are likely to have negative consequences for fair access. These measures will exacerbate the existing inequalities between school pupils, potential higher education applicants and students in terms of access to material and financial resources. Vigorous action needs to be taken to prevent any loss of momentum or reduction of focus on fair access.

Recommendation 5

The government should reinforce its commitment to fair access in higher education as a key priority in any assistance programme to help colleges and universities cope with the exceptional challenges - financial, organisational and educational - posed by the Covid-19 pandemic.

Recommendation 6

In particular the government, the SFC and institutions - and also the SQA, local authorities and schools - need to take active counter-measures to compensate for the negative impacts of school closures, cancellation of examinations and the shift from face-to-face to online teaching in universities as a result of the pandemic.

Access to the professions

Fairer access to the professions, in particular high-status professions, is needed to ensure that they recruit from the widest possible pool of talent (efficiency); to avoid access being over-determined by accidents of birth and family circumstances (social justice); and to ensure professions are as representative as possible of the communities they serve (social cohesion). Professional qualification is the destination of many university courses so unequal access to professions can distort the provision of higher education especially for students from more socially deprived communities.

Law

There are three stages towards qualification as a lawyer (three-and-a-half in the case of advocates) - the academic stage comprising Law Society of Scotland accredited LLBs; the vocational stage, the Diploma in Professional Legal Studies; and the apprenticeship stage, training posts in law firms. Interventions to achieve fairer access can be taken at all three stages.

• There has been a small increase in the number of students taking accredited law degrees - and also a modest increase in the proportion from SIMD20 communities. But the latter increase is recent, at 13 per cent is still well below the overall 15.9 share of all SIMD20 entrants.

• There is a further narrowing of the social range at entry to the professional stage, qualifiers from law degrees; the proportion of SIMD20 entrants remains below 10 per cent.

• The Law Society has made considerable efforts to ensure best practice in choosing trainees, which seems to have ensured there is no further narrowing of the range at the third stage.

However, SIMD20 qualifiers earn £7,200 less than those from the 20% least deprived areas five years after graduation from the LLB and who are in employment.

Recommendation 7

Universities should aim to increase the proportion of SIMD20 entrants to LLBs to match their institutional averages in order to meet the need for a more socially representative legal profession.

Recommendation 8

The Law Society of Scotland should consider introducing a new requirement in its accreditation of LLBs to encourage law departments to take effective action to meet that goal as a core part of the accreditation process.

Recommendation 9.

All universities should have agreed targets for increasing SIMD20 entrants to postgraduate and professional courses, to match those for entrants to first-degrees. It is especially important to extend these targets to the Diploma in Professional Legal Studies given the pivotal role played by the legal profession in society.

Medicine

The pathway to becoming a doctor is different from the pathway to becoming a lawyer. Although also split into three stages - pre-clinical and clinical studies in universities, followed by training posts in the National Health Service (NHS) - non-continuation rates are very low and almost all initial entrants to medical schools are guaranteed jobs in the NHS. Unlike law tuition is free throughout medical education. This means that the only realistic point of intervention to secure fairer access is at initial entry to one of the 5 Scottish medical schools.

Progress towards increasing the number of entrants from the bottom two SIMD quintiles has been steady - from less than 10 per cent to approaching 20 per cent. But the bulk of entrants, and so future doctors, still come from the top two SIMD quintiles. Initiatives have been taken to increase the pool of applicants, through outreach programmes like REACH, pre-med courses at Glasgow and Aberdeen University and to ring fence 50 per year additional places for widening access entrants but the record of medical schools to recruit SIMD20 entrants to fill these places has so far been mixed.

Although the NHS is the major funder of medical education through its funding of clinical placements and postgraduate courses, it appears to have limited leverage. While both the NHS and medical schools share a commitment to fair access, they have different priorities with the former focused on workforce issues and the latter on medicine's general place within university education (and research).

Fair access has to compete with two other policy agendas in medical education - to encourage more newly qualified doctors to make their careers within NHS Scotland (partly by setting new intake targets for Scottish domiciled students); and to encourage more to work as GPs and in less popular specialisms such as mental health. But promoting fair access is likely to contribute to both these other agendas.

Recommendation 10

Medical schools should consider whether the grades discounts currently offered by MERs, (and reduced UCAT scores) are enough to expand the pool of applicants from socially deprived areas. In particular they should consider whether standards can be maintained while relaxing some subject requirements and placing a greater emphasis on people skills and the outcomes most valued by the professions in their admissions processes.

Recommendation 11

A clear focus should be maintained on the recruitment of SIMD20 students until (or unless) those targets are redefined (perhaps to include FSMs). Although other metrics will always be necessary and desirable, they should not be allowed to become an alternative to this primary metric. Success in recruiting SIMD20 students should determine the future allocation of additional widening access places in medical schools.

Recommendation 12

If an additional medical school is established a track record on delivering fair access, and a commitment to accelerate progress towards fair access, should be given as much weight as other criteria such as medical specialities and geographical coverage.

Creative professions

The creative professions - music, drama, dance, TV and cinema - offer a different model. They are not licensed. Only a minority of Higher Education Institution (HEI) entrants come from the two specialist higher education institutions in Scotland, Glasgow School of Art (GSA) and the Royal Conservatoire of Scotland (RCS), with the majority attending other art and design departments or other disciplines or private providers such as Ballet West. There are no clear pathways by means of organised traineeships.

There is a strong perception that, as with law and medicine, most entrants to the creative professions come from more socially privileged backgrounds. This is sometimes attributed to the decline in schools of specialist provision subjects like music. In fact the proportion of SIMD20 entrants to first-degree courses in creative art and design is higher than in the case of either of these other professions - 14 per cent compared with a general average of 15.9 per cent. But there are significant variations - from 19 per cent in drama to 11 per cent in fine art and cinema.

The open nature of the creative professions makes it difficult to identify the best points of intervention to promote fair access. This means that a whole-system approach - from schools through higher education and into the professions - is necessary. Targeted access initiatives are confined to the two specialist higher education institutions. The RCS, with funding from the SFC, has run a successful 'Transitions' programme focused on schools which has led to increases in the bottom two SIMD quintiles.

Recommendation 13

Universities should consider the development of dedicated access pathways into creative art and design degrees by working in close collaboration with arts organisations, including bridging courses and summer schools not only at the pre-application or pre-entry stage but continued in subsequent years of study.

Recommendation 14

Experiments should be encouraged in establishing 'teaching hospital' models of collaboration between universities and specialist higher education institutions and arts organisations combining academic study and professional practice.

Recommendation 15

The SFC should guarantee continuing support for the access work of GSA and the RCS as the key institutions in creative art and design education.

Other forms of disadvantage

While it is right to keep a tight focus on socio-economic disadvantage - social class - in addressing fair access, other forms of disadvantage - age, gender, disability, care-experience and ethnicity - should not be ignored. There is a risk that giving too much weight to these other forms might weaken this focus. But, in practice, in nearly every case there is a strong cross-over between them and social class.

Age

There are two interpretations of the relationship between age and lower participation in higher education. The first emphasises the need for 'second chances' for those who missed out as school leavers; the second emphasises the fact that many adult learners have already benefitted from initial higher education. It is important to distinguish between categories of adult learners and different forms of adult learning.

Full-time first-degree entrants aged 21 and over are substantially more likely to come from SIMD20 communities than younger entrants. But most adults, even from more socially advantaged communities, are relatively disadvantaged because opportunities to enter higher education were more limited when they left school. Redressing this intergenerational inequity by providing more opportunities for adult learning is a valid objective of public policy.

Care experience

Increasing opportunities for the care-experienced to enter higher education enjoys a high political profile - rightly so, not least because unlike most other forms of disadvantage it is not a protected characteristic in legal terms.

Participation in further and higher education by the care-experienced is only about half of that for the general population. There is a substantial overlap between care experience and residence in an SIMD20 area.

Although the care-experienced make up only one per cent of full-time first-degree entrants, this represents a substantial increase over previous years. The SFC's 'national ambition' that by 2020 they should have the same opportunities as their peers, which would suggest a share of at least two per cent.

Disability

Disabled students are clearly under-represented in universities, having already been disadvantaged in school. There is a wide range of different types of disability ranging from physical impairments through autism specific learning difficulties and mental health conditions. Only a quarter of students who identify themselves as being disabled receive Disability Students' Allowance (DSA).

The fastest growing group of disabled students is those with a mental health condition. As a result, addressing mental health has become a major priority for universities. An increasing number of students are at some stage in their higher education.

Ethnicity

So far ethnicity has not been a major focus of efforts to address disadvantage in Scottish higher education. Over 90 per cent of students are white, compared with 70 per cent in England. However, this is likely to become a more significant concern in future.

There is a significant crossover between ethnicity and social class in terms of disadvantage. (Black Asian and Minority Ethnic) BAME students are more likely to come from socially deprived communities. More than a quarter of BAME students in universities come from SIMD20 areas compared with 14.9 per cent of white students.

Gender

Female students are in a substantial majority in higher education, and have been so for more than a generation. The current gap is 18 percentage points. However, this does not mean they do not suffer disadvantage compared with men.

Male students are still the majority in the most socially advantaged social groups. Progress towards increasing the share of SIMD20 entrants is disproportionately due to higher female participation (16.9 per cent among women compared with 14.3 per cent among men). Female students have higher retention rates than male students while they are at university. But this is not reflected in higher proportions graduating with 'good degrees. There continue to be very substantial gender imbalance among academic subjects.

Recommendation 16

Action plans to address other forms of disadvantage - age, care-experience, ethnicity, disability and gender - should be coordinated with the wider drive towards fair access defined in terms of socio-economic status, rather than being treated as standalone agendas.

Introduction

This is my third Annual Report as Commissioner for Fair Access. Once again it is good to be able to report sustained progress towards meeting the Scottish Government's targets for fair access to universities and colleges - 16 per cent of new entrants to higher education from the 20 per cent most deprived communities in Scotland by 2021 (which has already effectively been achieved), 18 per cent by 2026 of full-time first-degree entrants and 20 per cent of all HE entrants (in effect, a level playing-field) by 2030. It is also good to be able to report how fair access has become embedded in the priorities of institutions in a wider sense rather than being confined to meeting these targets. A focus on fair access now pervades most aspects of higher education. As a result Scotland can justly claim to be the pace-setter among the nations of the United Kingdom in opening up opportunities for higher education to all groups in the community.

Of course, much remains to be done. Even when the overall target has been met, significant variations in access to higher education will remain - in effect, continuing discrimination. Students from more deprived communities, in terms of the Scottish Index of Multiple Deprivation (SIMD), will cluster in the colleges and the so-called 'post-1992' universities and be under-represented in more selective and the most prestigious universities. They will continue to study subjects with lower progression rates to postgraduate study, and after graduation they will be under-represented in high-status professions.

This report is divided into three sections:

• Progress towards meeting the government's targets and other measures of success in promoting fair access to higher education. Two issues in particular, familiar from my earlier reports, will be considered - the extent to which the use of contextual admissions, and the publication of minimum entry requirements, has begun to make a difference; and the degree to which applicants with other higher education qualifications, principally but not exclusively Higher National Certificates and Diplomas (HNC/Ds), are given advanced standing on degree courses. The continuing debate about the extent to which SIMD should be qualified, or replaced, by other measures of deprivation, will also briefly be discussed, although this was discussed in detail in my last Annual Report. Finally the potentially very serious implications of the COVID-19 pandemic for fair access will be discussed.

• Access to the professions. Fair access cannot be limited to initial access to higher education. Rather it must be sustained through the student life-cycle in terms of successful continuation and completion rates and equivalence of degree outcomes. No student should be allowed to fail because of a lack of support, academic, pastoral and financial. In the same way graduates from more deprived social backgrounds should have equal access to postgraduate courses, which often provide gateways to the professions, and to the professions themselves. This report focuses, in particular, on law and medicine but also considers more briefly access to the creative professions such as drama and dance, film and TV and music. In all three professions the intake of new entrants remains skewed to those from more socially privileged backgrounds, despite substantial efforts to open them up to wider and more representative social groups.

- Other forms of deprivation in addition to social class - age (more limited opportunities for part-time and adult education students and lack of financial support); gender (women are under-represented in some key disciplines and over-represented in others); geography (students from more remote and rural areas of Scotland continue to face barriers to access compared with students from big cities in particular); and race and ethnicity where students are clustered in particular types of institutions and subjects. In addition individuals with particular characteristics - such as those who are physically disabled or suffer from poor mental health; the care-experienced; and those estranged from their families - suffer further disadvantages. All these factors - age, gender, geography, race and ethnicity, disability, care experience and family estrangement - interact in ways that compound the core disadvantage produced by socio-economic deprivation. A comprehensive view of fair access must address all these factors.

As in previous years I am grateful to all those in national organisations, universities and professional bodies who spared their valuable time to meet and discuss fair access with me. I am also once again very grateful to Lynn Macmillan, Strategic Lead for Access to Higher Education in the Scottish Government, and her colleagues Lynn Brown and Karen Frew. They have supported my work as Commissioner for Fair Access with exemplary professionalism. Needless to add, the analysis and the recommendations in this report reflect my own independent views as Commissioner. I am also very grateful to Anna Green and Alan Sloan in Analytical Services who have helped me with the statistics in this report. Once again, responsibility for the accuracy of this data, and the interpretation placed on it, is entirely mine.

Peter Scott
Commissioner for Fair Access in Higher Education

Chapter 1

Progress report

Targets

The proportion of full-time first-degree entrants from SIMD20 areas increased to 15.9 per cent in 2018-19, compared with 15.6 the year before. It is now just short (0.1 percentage points) of the 16 per cent target for 2021. In normal times there would be a high degree of confidence that this target would be met, and likely exceeded, next year. But these are not normal times. The Covid-19 pandemic, and the measures taken by the Scottish Government and colleges and universities, could have a substantial impact of both the overall level, and shape, of student demand next year (see below).

Amid this uncertainty it is fortunate that such good progress has already been made towards fair access. But it is now more difficult to be fully confident that the 2021 target can still be met, which in turn might bring into question higher education's ability to make the step-change progress needed to meet the next interim target, 18 per cent of full-time first-degree entrants from SIMD20 areas by 2026 and even the final target of 20 per cent of all HE entrants by 2030. During the three years between 2014-15 and 2016-17 the proportion of SIMD20 full-time first-degree entrants did not increase much, ranging between 13.8 and 14 per cent. It was only last year, the first year in which the full impact of the Commission on Widening Access (COWA) could have been felt, that there was a jump to 15.6 per cent. The most recent increase, although very welcome and a testament to the universities' commitment and efforts, was much smaller. These two factors, the unknown implications of COVID-19 and the pattern of past progress towards increasing the proportion of SIMD20 entrants, are the reasons for registering a note of caution.

This impression that further progress towards meeting the next target of 18 per cent of entrants coming from SIMD20 by 2025 may be more difficult to achieve than the - apparent - ease with which the 16 per cent target by 2021 has been met is reinforced by an analysis of the records of individual HEIs suggests that gains have been hard-won and even precarious. The majority of HEIs (12 out of 18) have increased their proportion of SIMD20 between 2017-18 and 2018-19. Some have made substantial advances in this single year. For example, St Andrews has increased its portion of SIMD20 first-degree entrants from 7.5 per cent to 10.6 per cent and Edinburgh from 8.1 per cent to 10.8 per cent. Among the pre-1992 universities Strathclyde (17.4 per cent) and Dundee (16.2 per cent) are the leaders.

But in six HEIs the proportion of SIMD20 first-degree entrants actually fell between 2017-18 and 2018-19, although two of these should be discounted because they already substantially exceeded the 20 per cent (University of the West of Scotland on 28.2 per cent and Glasgow Caledonian on 22.6 per cent). At Aberdeen the proportion fell from 6.0 per cent to 4.4 per cent. The difficulty of using SIMD20 as an indicator of progress in more rural areas, and in particular in the north east, is clearly a factor, but not perhaps the whole story. However, it is worth recording that all institutions, with the exception of the two universities in the north east, Aberdeen and Robert Gordon, have already met the 10 per cent target for institutions by 2021, which is a tribute to their efforts.

There were similar increases in the proportion of SIMD20 entrants in all undergraduate courses (diploma and certificate as well as first-degree courses) in colleges as well as universities - 19.1 per cent in 2018-19 compared with 18.9 per cent the previous year - and all full-time higher education in colleges - 29.2 per cent up from 28.1 per cent.

In contrast the retention rates (completion of the first year and continuation in higher education) fell in 2018-19. For SIMD20 entrants they fell from 89.4 per cent to 86.8 per cent, and for all entrants from

92.5 per cent to 91.1. Retention rates for SIMD20 entrants were 4.3 per cent below average, while rates for SIMD80-100 entrants were 2.7 per cent above average, who of course have a greater effect on the average because they are more numerous. It is worth emphasising that, although it would have been better if retention rates had held steady or even increased, they remain very high. The proportion of SIMD20 full-time first-degree qualifiers in 2018-19 increased from 13.4 the previous year to 13.9, and all SIMD20 undergraduate qualifiers from 18 per cent to 18.5.

Contextual admissions and minimum entry requirements

The publication of minimum entry requirements (MERs) for all courses in Scottish universities is a major achievement, a tribute to the sector's active commitment to fair access. Typically MERs are two grades lower than standard entry requirements, although in some cases the allowance is only one grade. Who is eligible for MERs is also variable, and can be complex to navigate, as individual universities employ a range of different access 'flags'. In only a few cases are those who meet MERs guaranteed places.

The SFC is seeking to monitor the impact of access thresholds through its guidance on its Early Statistics Return, and also through its monitoring of outcome agreements. But it is still too early to gauge what impact MERs will have on increasing the proportion of SIMD20 entrants. The test will come in two or three years when it becomes clearer whether the impressive progress made towards achieving the first interim target (16 per cent in 2021) is matched by equal progress towards meeting the second interim target (18 per cent in 2026). As has already been indicated, the difficulty of maintaining momentum should not be underestimated, especially in the context of the Covid-19 pandemic (see below).

For that reason it is important that the publication of MERs is not seen as the culmination of the universities' efforts on fair access in response to the report of the Commission on Widening Access - job (well) done - but as a platform on which the next stage of advance can be built. It is also important that MERs should not be fixed or final. They need to be constantly reviewed in the light of their effectiveness in increasing the number of successful applicants from socially deprived communities, as well as experience about the capacity of entrants with lower formal entry qualifications to cope with study at university level. Universities should not be afraid to adjust MERs if they are not effective, and/or if it appears to be safe to do so academically.

It may also make sense to develop a common template, or at any rate common protocols, for how universities give high-level information about MERs, although this is not straightforward given the wide range of courses and of access 'flags'. At present there is substantial variation. A 'mystery shopper' on university websites encounters a wide range of approaches. In nearly every case a search for 'minimum entry requirements' produces a large number of results (largely based on the final two words 'entry requirements'). In some cases considerable persistence, and multiple clicks, are needed to find the detailed MERs for particular courses. Sometimes the information available on course pages is limited with clicks back to specific pages on 'widening access' or a 'finder'. Such variations are inevitable, and do not reflect different levels of commitment to fair access. Nevertheless they can be confusing to potential applicants, with limited knowledge of universities, and their families. Even for teachers and careers advisors the variation could be confusing.

Recommendation 1

Universities should consider adopting a common template, or common protocols, to present information about MERs on their websites and in any other publications to ensure maximum accessibility and transparency.

Outreach and bridging programmes

There is no dispute that a key part of fair access to higher education is increasing the number of applicants from under-represented groups. This is done by improving the information and advice available, by funding a range of targeted initiatives at national and regional level within Scotland and by developing access and bridging programmes (including summer schools) at institutional level. Examples include the Schools for Higher Education Programme (SHEP), the Access to High-Demand Professions (which is particularly relevant to the discussion of access to law and medicine later in this report), the Scottish Wider Access Programme (SWAP), aimed at adult returners. Other government initiatives are also relevant such as the emerging Adult Learning Strategy and the Leaner Journey 16-24 strategy.

Much of the funding for these initiatives comes from the SFC, which also hosts the two main coordinating bodies - the Access Programmes Steering Group (APSG) and the Bridging Programmes Advisory Group (BPAG). Much of the energy and enthusiasm comes from a comparatively small number of dedicated access practitioners mainly based in institutions. It is vital that this funding is maintained, and that these practitioners are properly supported. It is also essential to support the further development of the Scottish Fair Access Framework established last year to provide an authoritative guide to good practice and also act as a focus for the work of these practitioners. The proliferation of acronyms within what might appear at times to be an overly Byzantine structure should not detract from how central this work is to promoting fair access. Without an adequate infrastructure to support this activism the whole project could falter.

> **Recommendation 2**
>
> Sustainable funding should be guaranteed for access organisations and new outreach initiatives, and in particular to ensure the further development of the Scottish Framework for Fair Access.

Articulation

Although commendable progress has been made to fair access by making more contextual offers and setting MERs, much less progress has been made in the context of articulation, i.e. university entrants receiving credit for qualifications they have gained in colleges (into the third year of a degree in the case of Higher National Diplomas (HNDs) and the second year in the case of Higher National Certificate (HNCs) holders).

- SIMD20 full-time first-degree entrants are twice as likely to come via articulation from colleges having already HNC/Ds - 42 per cent in 2017-18. That is a measure of how important articulation is for achieving fair access. Success on shifting the dial on SIMD20 representation in universities is highly dependent on improved articulation, as it is on the higher rate female participation among SIMD20 residents (see below).

- But SIMD20 students make up only 25 per cent of those who enter with advanced standing. The shares of articulating entrants with advanced standing from other SIMD quintiles are lower, but not dramatically so. This suggests that SIMD20 entrants do not benefit from being granted advanced standing to the extent that might be expected given their overall share of articulating students.

- Only half of HNC/D entrants to full-time first-degree courses are granted advanced standing while almost 40 per cent receive no credit at all (and, in effect, have to start all over again). That is the measure of the continuing reluctance of universities properly to recognise credit for

college qualifications, which makes the ideal of a tertiary education system with flexible and multiple pathways for students a distant goal.

I have discussed the reasons for this apparent resistance in previous Annual Reports, so I will not repeat them at length. Some are technical and relate to the detailed curriculum fit between HNC/Ds and first degrees, although there seems to be tendency to identify barriers rather than find solutions. Others reflect the tension between seeing HNs as valued qualifications in their own right and emphasised their role as a pathway into degree course. But others again are clearly cultural, and more deeply rooted. It sometimes feels that universities and colleges (even when they make a key contribution to Scotland's overall higher education participation rate, the highest in the UK) are seen as different 'worlds'.

Articulation seems to be a game that many more selective universities (with some notable exceptions) do not to want to play, even those that have been most open to widening participation by means of contextual offers, MERs and imaginative outreach and bridging programmes. The bulk of articulation, especially with advanced standing, is done by post-1992 universities with the University of the West of Scotland in the lead closely followed by Glasgow Caledonian University.

Although the proportion of articulating students with advanced standing (and advanced progression, i.e. partial credit) has increased, it has only crept up. There has been no suggestion of the step-change needed to achieve the 75 per cent target suggested by the SFC. The instruments that have been devised - the National Articulation Forum jointly established by Colleges Scotland and Universities Scotland, and the National Articulation Database developed by the SFC (the publication of which has been delayed) - have struggled to make a difference. The NAF has done valuable 'mapping' work and was about to publish its report, which too has been delayed by the Covid-19 pandemic.

It is difficult to see what further action can be taken to achieve the faster progress needed. One option, of course, would be for hard targets to be set (both nationally and institution-by-institution) and for the SFC to take intensified action through outcome agreements. My instinct is that such action, as well as being resented by universities, would not remove the obstacles to smoother progression. Instead - for the moment - it might be better to place relentless emphasis on raising consciousness - and conscience? - within the sector in the hope that deeply-rooted beliefs and attitudes on the difficulties of articulation (and, more widely, resistance to the idea of a tertiary education system) can be changed.

Recommendation 3

The case for an integrated tertiary education system, rather than discrete university and college, higher education and further education, education and training sectors, should be vigorously promoted in Scotland. In particular, there needs to be step-change in the proportion of HN students entering degree courses who are given advanced standing.

SIMD and other metrics

One of the most controversial issues with regard to fair access is the reliance on SIMD as the only measure of progress. The arguments are now familiar:

- in rural and remote communities with scattered and inevitably mixed populations it is an unsatisfactory measure (for example, there are no SIMD20 areas in Shetland);

- even more populated urban areas' reliance on SIMD produces many false-negatives (socially deprived individuals who live in generally less deprived areas) and false-positives (the reverse), as revealed by the use universities are making of individual measures of deprivation; and

- to meet targets expressed in terms of SIMD20 universities are forced to compete for a fixed pool of applicants which in the case of high-demand subjects may be very small, while ignoring equally disadvantaged applicants from other areas.

There are principled reasons for continuing to use SIMD as the primary measure of progress towards fair access. It focuses attention of community-based and intergenerational disadvantage (which is reflected in the concept of <u>multiple</u> deprivation). It also discourages universities from approaching fair access in largely meritocratic terms, remedying the social and educational deficits of potential applicants from non-standard student groups, rather than accepting a wider responsibility for ensuring equity, which might require more fundamental changes on their part. These arguments were considered in more detail in my last Annual Report, and will not be repeated here.

There are also practical obstacles to adopting other measures of progress, to complement or replace SIMD. After reviewing possible alternative measures the Access Data Group, with representatives from all stakeholders, concluded that the most suitable to use alongside SIMD was receipt of Free School Meals (FSMs) at any point during secondary education. UCAS had been hoping to ask applicants to self-declare this on their application forms from 2021 onwards, but now plans to do so over a longer timescale. Although self-declaration will be an important step forward, issues of reliability and validity will remain. Also not all those eligible for FSMs actually receive them. One advocacy group and charity, Feeding Britain, estimates that there are about 140,000 children across the UK who are eligible but not registered for FSMs. This suggests that as many as 10,000 children could be missing out in Scotland.

Unless national targets are abandoned and universities are allowed to use their own customised sets of indicators of disadvantage, it seems inevitable that SIMD will have to be retained as the only nationwide measure of progress towards fair access. Despite its acknowledged deficiencies, it is more important to retain the consistent and transparent targets that have enabled Scotland to make such impressive progress towards fair access.

Recommendation 4

SIMD for the moment should remain the key measure for assessing progress towards fair access, although universities will continue rightly to use a range of self-chosen access markers. In the medium term FSMs should be used alongside SIMD, when issues of verifiability and coverage have been properly addressed.

The challenge of Covid-19

It is too early to assess the impact of the Covid-19 pandemic on fair access. However, it is very likely to be negative, although to what degree will be impossible to say for many months and even years. In my view the main areas of concern are:

A. The closure of colleges and universities, and the shift from face-to-face teaching to on-line learning

There are three main adverse effects of the pandemic, and the necessary measures that have been taken:

- First, the experience of higher education is a social as well as an academic experience. The ability freely to interact with other students and engage in extra-curricular activities is almost as important as attending lectures and seminars. This full student experience is impossible when institutions are closed. Students from more socially deprived backgrounds, who bring less social/cultural capital and are less likely to have established social networks, depend more on this wider campus experience and therefore are likely to be more adversely affected.

- Second, these students are also likely to suffer from 'digital poverty'. They are more likely to lack up-to-date IT resources and connectivity and adequate home study space, and may have more demanding family commitments. Universities will do all they can to compensate, but it will be difficult to compensate for this disparity in students' own resources. This disparity could lead to worsening retention rates among more socially deprived students.

- Third, students from socially deprived backgrounds are more likely to depend more on part-time employment during their studies. Many of these jobs, especially in hospitality, will be in short supply for the next few months.

These three factors - restrictions on physical access to colleges and universities, a continuation of online learning and a lack of part-time jobs - could have an even more adverse effect on socially disadvantaged students, if they continue into the next academic year

B. Access and outreach activities

Summer schools and other access activities will inevitably be affected by restrictions on face-to-face meetings and travel during the pandemic. The success of these efforts depend on personal contact and they are often focused on comparatively small groups of potential applicants. They are difficult to reproduce online. Access and participation units within universities will require support to develop creative solutions to the individual contact and personal engagement that is so crucial to the success of applicants from more socially deprived backgrounds who typically lack the support of families, peers and communities. There is clearly a risk that, in the wider shift from face-to-face to online teaching, the needs of inevitably smaller-scale activities like summer schools will receive a lower priority. The success of fair access depends crucially on the work of a relatively small number of passionate activists.

C. University finances and priorities

It is already clear that the Covid-19 pandemic will have a negative impact on university finances; income (especially from fee-paying international students) will fall and costs may rise. The financial strains are already apparent. The SFC has announced its future funding allocations to provide as much stability as possible. The Government has already intervened to provide emergency support to students (which, as has already been said is especially important for students from less socially advantaged backgrounds who depend more on part-time jobs).

There is a risk that in any retrenchment universities are likely to focus on what they regard as their core mission. For colleges and some universities access is part of that core mission, and at the heart of their institutional strategies. For other, more selective, universities, despite their commitment to fair access (and the impressive progress that has been made), it is still a lower priority - especially perhaps at a time when very tough funding choices have to be made. As I have already said, it is vital that access and outreach work continues to be supported at the same level (and that regional access networks continue to be funded on a sustainable basis).

Not surprisingly perhaps given the scale of the financial challenge that universities are facing the issue of charging tuition fees has resurfaced - although so far only in the context of the debate about whether students from the rest of the European Union should continue to have access to free tuition after the UK leaves the EU. But there is a risk this could spill over into a wider debate about the pros and cons of charging fees, even though the position of the Scottish Government (and, as far as it has been measured, public opinion) is very clear. I will not address the wider arguments. But I believe that to resurrect this issue at present would send a very damaging signal in terms of fair access.

D. The cancellation of school examinations

There are three possible areas of concern:

- Research into the accuracy of predicted A-level grades in England has shown that teachers tend to over-predict the grades likely to be achieved by pupils from more socially advantaged backgrounds and to under-predict those likely to be achieved by pupils from more socially deprived backgrounds. This is less of a problem here in Scotland because more entrants have already achieved some of the Higher grades required for university entry in S5 (although they may be more likely to come from more socially advantaged backgrounds or have attended high-progression schools). But there is a risk that the same may happen if teacher assessments based partly on course work are substituted for examinations.

- There is also a risk that the moderation of school-based results (necessarily) undertaken by SQA, based on past grade profiles, will 'bake in' differences between schools, which are mainly attributable to levels of performance and aspiration in the communities from which they draw most of their students - in effect, social inequality.

- An even greater risk that the substitution of teacher assessments for written examinations and SQA moderation at earlier stages in the senior phase, i.e. Nationals, may make it less likely that young people from more deprived backgrounds will end up on the academic trajectory that takes them to higher education.

E. The closure of schools

For all school leavers, but especially perhaps for those from more socially deprived backgrounds, there is a risk of a loss of momentum without the discipline of regular school attendance. Also there will be important differences in the capacity of families to reproduce some of that discipline through forms of 'home schooling'. More deprived families may not have the same access to space at home that can be (at least, semi) dedicated to study, to books, learning materials and IT facilities. Their parents and families may also lack the same level of formal educational attainment and necessary self-confidence to 'substitute' for teachers. Although schools will do what they can to help, their efforts cannot fully compensate for such disadvantages.

F. Future demand and graduate unemployment

The conventional view of the relationship between future student demand and the state of the economy is that in times of recession demand increases. But in the special circumstances created by the pandemic this might not be the case.

The rapid shift from face-to-face teaching to online learning could have an impact on demand. While potential applicants from more socially advantaged groups might be prepared to 'sit out' a year in the hope things will get back to normal in 2021-22, those from more socially deprived

communities may be 'lost'. The experience of being a student will be seen as different from, and potentially inferior to, a traditional university experience. Also the very considerable efforts that universities have made in recent years to improve the student experience, which partly depend on the physical presence of students on campus, could be undermined.

This could be compounded if graduates in 2020 face a very different, more difficult and potentially significantly reduced labour market. It is possible that a sharp reduction in the rate-of-return on a university education in terms of future learnings, or even the likelihood of getting a graduate-level job, (or simply the perception of a reduction) will hit student demand.

In the spring and early summer of 2020, in the midst of the Covid-19 pandemic, it is impossible to know what the medium term impact of such factors might be on fair access. But fair access could be at particular risk, unless active measures are taken to reinforce its central importance by high level political interventions designed to re-emphasise that fair access continues to enjoy the same priority and by safeguarding funding streams for access work at both SFC and institutional level.

Recommendation 5

The government should reinforce its commitment to fair access in higher education as a key priority in any assistance programme to help colleges and universities cope with the exceptional challenges - financial, organisational and educational - posed by the Covid-19 pandemic.

Recommendation 6

In particular the government, the SFC and institutions - and also the SQA, local authorities and schools - need to take active counter-measures to compensate for the negative impacts of school closures, cancellation of examinations and the shift from face-to-face to online teaching in universities as a result of the pandemic.

Chapter 2

Access to the professions

There are three main arguments for promoting fair access to the professions. The first concerns efficiency; the second social justice; and the third social cohesion.

- Professions, especially the licensed professions, are organised on the basis of delivering the best possible service to their various publics. Entry and practice standards are regulated to achieve that goal. In the case of doctors and other registered health and social care practitioners, and of engineers and other scientific and technical professions a key consideration is public safety. Even in the case of the more open professions, the objective is the same - to deliver excellence. As a result it is essential that professions recruit the most talented and most appropriate from the widest possible social pool rather than restricting access to those from more privileged social backgrounds if they wish to maintain the highest possible standards. This is the efficiency argument for fair access to the professions.

- Professional standing generally confers significant advantages - in terms of both social status and financial rewards. It is no longer acceptable in a 21st-century democracy that access to these advantages is determined by the accident of birth and the unequal distribution of life-chances in childhood and adolescence (in particular, school experience). Also professional standing is the natural culmination of many courses in higher education. So, if access to that standing (particularly in high-status professions such as medicine and law) is made more difficult for those from more socially deprived backgrounds, their experience of higher education - even for those fortunate enough to secure access in the first place - is likely to be diminished compared to the experience of their more advantaged peers. Their opportunities, and therefore ambitions, will be curtailed. This is the social justice argument for fair access to the professions.

- In a 21st-century democracy it is equally important that members of the general public when they encounter members of the professions are able to interact with their 'peers' rather than a 'caste' composed predominantly of the socially privileged. This is especially necessary in the case of professions such as law or social work where in the past it has sometimes appeared that different social worlds are colliding with the 'clients' coming from one, more socially deprived world and the professionals coming from another, more privileged, world. Similar arguments apply to medicine where diagnosis and treatment may even be compromised if social interactions are inhibited. More generally, the myriad encounters between citizens and the state, in both its political and corporate forms, should be on approximately equal terms. This is the social cohesion argument for fair access to the professions.

This report focuses on access to law and medicine, among the oldest and still most prestigious professions. It also discusses, in less detail, the creative professions such as drama and music. These professions have been chosen because all three predominantly recruit, or are perceived to recruit, from more privileged social groups. Yet they are markedly different, ranging from tightly prescribed pathways (medicine) to more fragmented pathways (law) to largely self-determined pathways (creative professions).

Medicine is not only a regulated profession but, to a very high degree, operates in a public setting, the National Health Service. Medical students are trained in publicly funded institutions, universities, and are not charged fees. On graduation and qualification the great majority are employed within the NHS. Non-completion rates are very low. Almost all students admitted to medical schools qualify as doctors and in addition are guaranteed jobs in the NHS.

The law is different. Law students also study in publicly funded universities. But they only receive free tuition for the first, academic part of their studies. They must pay tuition fees for the professional stage of their higher education, and qualification depends on successful completion of a traineeship in a law firm. Law firms are commercial organisations operating in the market place and range in scale from the international to the local. Qualified lawyers who wish to become advocates face a further hurdle. Inevitably there is attrition at each transition - from academic to professional courses, and from professional courses to traineeships - not all of which is voluntary.

Entry to the creative professions is different again. Some future practitioners study in specialist arts institutions - the Royal Conservatoire of Scotland and Glasgow School of Art - or in performing arts Schools and Departments in other universities (for example, Edinburgh School of Art which is part of the University of Edinburgh). But others come from a wide range of other backgrounds - other university disciplines, courses in further education or (in a few cases) without any formal educational preparation beyond school. A number of internships in arts organisations are available, but not on an organised basis. Many actors, musicians and other creative artists pursue portfolio careers, often as freelances because of the lack of availability of salaried positions. For some teaching in schools is a preferred career; for others it offers a default role.

These three examples demonstrate the complexity of the professional world beyond higher education. As a result generalisations about fair access to the professions are almost impossible to make. Law, medicine and the creative professions have not been chosen as exemplars of professions as a whole. They are not the largest professions. Education and other healthcare professions have more practitioners. But what law and, in particular, medicine have in common is that, as already been stated, they are perceived to recruit predominantly among the socially more advantaged - unlike education (where any concern relates more to gender balance) and healthcare. Some of the creative professions share this characteristic with law and medicine. But, in addition, they share more open and fluid features characteristic of many emerging 21st-century professions.

Law

There are three stages in progression to becoming a qualified lawyer.

Academic stage

The first is the academic stage. Ten universities are accredited by the Law Society of Scotland to offer Bachelor in Law (LLB) degrees that qualify graduates to go on the next stage of legal training. In 2018-19, a total of 1,135 Scottish domiciled students were enrolled on these courses, of which a small number (100) were on 'accelerated' full-time courses designed for students who already have degrees in other subjects. In addition there are BA Law degrees at the University of the West of Scotland, Stirling and Strathclyde which are not recognised by the Law Society of Scotland as leading to qualification. There are also students on courses in legal studies, criminology and accounting with law which also do not lead to qualification. Finally the Open University's law degree is not a qualifying degree.

Counting all degrees, whether qualifying or not, in Scottish universities and all applicants (not simply Scottish domiciled, the number of UCAS main scheme applications has increased from 8,840 in 2015 to 11,405 in 2019 (29 per cent). Over the same period, the number of acceptances has increased from 1,525 to 1,890 (24 per cent). The number of Scottish domiciled entrants to full-time qualifying degrees has increased at a slower rate, 15 per cent, from 990 to 1135. It is difficult to accurately assess the degree of competition for law. But, on the basis that each applicant has five choices, there appears to be a broad equivalence between the number of applications and acceptances for all law degrees, qualifying or not, although this does not take into account the level of offers made by universities.

Between 2015-16 and 2018-19, the proportion of entrants to qualifying law degrees from SIMD20 areas increased from 110 (11 per cent) to 145 (13 per cent). Most of the growth occurred in the last two years, which suggests that the overall drive to increase the share of SIMD20 entrants has had a significant impact on access to law. The proportion of entrants from the least deprived SIMD quintile has fallen from a peak of 39 per cent in 2016-17 to 33 per cent in 2018-19. The gap between qualifiers from different social groups on accredited law degrees is even more striking, although it has also narrowed. Over the same five-year period, the proportion of qualifiers from SIMD20 areas crept up from 7 per cent to 9 per cent, while the proportion of qualifiers from SIMD80 areas fell from 43 per cent to 38 per cent. This means that almost 4 out of 10 of those who qualify from accredited law degrees come from the 20 per cent least deprived social groups. This disparity is compounded by differentials in earnings among Scottish domiciled qualifiers after five years of sustained employment. Although the median earnings for all qualifiers are £30,700, qualifiers from SIMD20 areas earn £5,700 less than the average and £7,200 less than SIMD80 qualifiers.

Professional diploma

The second stage is provided by the Diploma of Professional Legal Practice. There is a key difference between the first and second stages; LLB students receive free tuition, while diploma students are charged substantial fees of up to £9000. Although limited funding is available, the possibility exists that potential students from more socially deprived backgrounds may be discouraged from proceeding to this second stage. In fact there is limited evidence that this is happening - despite the disparity in earnings between law graduates. Robert Gordon University is developing an online version of the diploma to enhance its accessibility.

In 2018-19, there were 630 Scottish domiciled students enrolled on the diploma in Scottish universities - compared with 870 qualifiers from accredited law degrees in 2017-18. This suggests that 28 per cent of those who have successfully completed the academic stage do not proceed to the professional diploma stage. Some entrants to the diploma may have had a gap after completing their LLBs in earlier years and a few may come from the rest of the UK, although this is unlikely to change the broad picture. Counter-intuitively perhaps this 'wastage' appears to be lower than average among SIMD20 qualifiers, although the numbers are low.

During the last four years, the total number of students on the professional diploma has tended to decline – from 680 in 2015-18 to 630 in 2018-19 (although this is recovery from a trough of 595 the previous year). The figures for the current year, 2019-20, have also registered a significant increase. The number of diploma places is linked to the availability of training posts, the next stage in the journey to becoming a qualified lawyer. The working assumption that the 'steady-state' output from diploma courses should be more than 600. There is no evidence that at the professional diploma stage there is any greater disparity between entrants from SIMD20 and SIMD80 areas. Since 2015-16, the proportion of SIMD20 entrants has increased from 6 to 9 per cent, while the proportion of SIMD80 entrants has remained almost constant at 40 per cent.

Training posts

The third stage is for graduates of the diploma to secure training posts. Their availability is determined by law firms, and so is affected by business cycles (and changes in legislation, legal practices and so the demand for lawyers). In a typical year there are about 550 training posts available, which broadly matches the output from diploma courses. Any 'wastage' between the number of those who successfully complete the diploma and of available training posts, therefore, appears to be limited by what might be expected from changes of personal circumstances and career choices, and is lower than between law degree graduates and diploma entrants. There is no information available about whether the limited 'wastage' that does occur is higher among students from more deprived social backgrounds.

The main agent for promoting fair access at this stage is the Law Society of Scotland. It has taken action in four main areas:

- First, it has recommended that trainee solicitors should be paid at least the living wage. As a result the average salary for a trainee solicitor in Scotland is higher than in England, even if well-paid training posts in City (of London) law firms are included.

- Secondly, it has encouraged best practice in recruitment, to counteract the traditional tendency for partners in law firms to prefer applicants known to them (or their business associates). The Law Society now expects any internships to be remunerated at the level of the living wage, to make them more widely available. It has also encouraged the use of more professional, and more objective, selection procedures, such as extended interviews.

- Thirdly, the Law Society has encouraged the development of more systematic support and mentoring schemes. In addition to careers visits to schools and other career and outreach activities in 2017 and 2019, it hosted summer school, a week-long programme for S5/6 students considering careers in law. Linked to summer schools is Street Law, a six to eight-week programme delivered by law students in schools. 180 'street lawyers' have been trained over the past four years.

- Finally, it has established the Lawscot Foundation, funded by the Law Society and law firms, to help academically talented students from less socially advantaged backgrounds. The number of applicants for financial support increased from 41 in 2017 to 60 in 2018. Seventeen applicants received grants - of which 15 were first-in-family to go to university, 12 had received free school meals and seven were from SIMD20 areas.

Advocates

For a small number of lawyers who aim to become advocates, there is a fourth stage in the pathway to the profession. The Scottish Bar is a small profession of about 700 advocates, approximately 500 of whom are practising. With very few exceptions the standard route to the Bar is initial qualification and typically some years of experience as a solicitor - in contrast to England most of those aiming to be barristers follow a separate route after taking their LLBs. However, there are small additional requirements to qualify as an advocates. The Faculty of Advocates requires trainee advocates to have taken courses in Roman Law and Arbitration in the LLB and also court procedures in the diploma. The main requirement is to undertake additional training in the form of 'devilling' which is organised by the Faculty.

The Faculty recognises that it is important to promote better social representation of the wider community - in terms of gender, ethnicity and in particular social background. This is seen as especially important in the criminal Bar. However, because of its lack of resources and the small scale of the profession, it has limited leverage. Among its initiatives have been a summer school and more organised forms of work experience, including a mini-'devilling' scheme that will start this year. The Faculty also oversees three annual scholarships - a single Lord Reid scholarship, which is awarded strictly on academic merit; one or two Faculty scholarships that take into account other factors apart from academic merit; and up to five Lord Hope scholarships, which are mainly awarded on the basis of social factors. The number of 'devilling' posts has also been increased from the usual number of 12-15 to 26.

Discussion and recommendations

There are opportunities to intervene to promote fair access at all three stages - to LLBs, to the professional diploma and to training posts.

At the first stage more equitable access to LLBs is part of universities' wider approach to fair access, the use of contextual admissions and minimum entry thresholds and of bridging programmes, summer schools and other outreach activities to meet institutional targets. In the case of law intensified efforts will be required. While SIMD20 entrants make up 16 per cent of all entrants, their share of LLB places is only 13 per cent. The lower percentage of SIMD20 qualifiers from accredited law degrees - see below - is significantly lower, which suggests the need for further explanation. There is a case for the Law Society of Scotland including tougher fair access requirements when it accredits LLBs.

At the second stage entry to the professional diploma the percentage of SIMD20 entrants is even lower - just 9 per cent. However, as has been pointed out, this matches the percentage of SIMD20 qualifiers from LLBs. This suggests that significant additional discrimination against entrants from deprived social areas is not occurring at the point of transition from the academic to the professional stages. The government's current targets on fair access currently apply only to first-degrees. I have argued in an earlier discussion document on postgraduate education (https://www.gov.scot/publications/commissioner-fair-access-discussion-paper-access-postgraduate-study-representation-destinations/) that it would not necessarily be appropriate to extend national targets to higher degrees and professional diplomas. But it is important that universities monitor and set their own targets for fair

access beyond first degrees, especially in the case of professional courses leading to qualification in key professions like law.

At the third stage, training posts in law firms (and, later in the case of advocates, 'devilling' positions at the Bar), responsibility for taking action to promote fairer access rests with the professional bodies, in particular the Law Society of Scotland but also the Faculty of Advocates, not with the government or universities. Their commitment to fair access not only determines access to the legal profession through accreditation and regulation but, as important, sets the 'tone' with regard to fair access through their example. Both the Law Society and, within its more limited resources, the Faculty have demonstrated that commitment. Apparently small-scale interventions - scholarships, summer schools and the rest - send a powerful signal about the importance of fair access which resonate back through postgraduate and undergraduate law courses, and to schools and families. For that reason there is a strong case for the more effective coordination of access interventions by university law departments (within the wider setting of university-wide interventions) and the professional bodies.

Recommendation 7

Universities should aim to increase the proportion of SIMD20 entrants to LLBs to match their institutional averages in order to meet the need for a more socially representative legal profession.

Recommendation 8

The Law Society of Scotland should consider introducing a new requirement in its accreditation of LLBs to encourage law departments to take effective action to meet that goal as a core part of the accreditation process.

Recommendation 9

All universities should have agreed targets for increasing SIMD20 entrants to postgraduate and professional courses, to match those for entrants to first-degrees. It is especially important to extend these targets to the Diploma in Professional Legal Studies given the pivotal role played by the legal profession in society.

Medicine

Introduction

Like law, the journey to qualification as a doctor has three phases - pre-clinical and then clinical studies in a university and healthcare setting (typically a hospital), followed by a period of training as a house officer in a hospital before registration. Qualified doctors then take a number of further examinations to pursue different specialisms and to become eligible for promotion to senior posts. However, unlike law, it is a tightly integrated process. Pre-clinical and clinical phases of university-based training, in effect, constitute a single pathway - although one Scottish university, St Andrews, only provides pre-clinical medicine with students continuing their clinical studies at the four other Scottish medical schools or in England (Manchester or Queen Mary University in London). Non-completion rates are very low, and training posts are available in the National Health Service which is, in effect, the monopoly employers of doctors.

As a result the only realistic point at which efforts to promote fair access can be effective are at entry to pre-clinical studies. This means that the degree to which contextual admissions and minimum entry requirements increase the number of SIMD20 entrants to medicine is even more crucial than in the case of law. It also means that extra efforts to widen the pool of applicants are required, whether by intensifying outreach activities and developing more bridging programmes but also by examining the extent to which academic qualifications in particular subjects are really essential to developing the qualities needed in a good doctor. Not every secondary school can offer an Advanced Higher, or even a Higher, course in chemistry. The General Medical School, which accredits medical degrees but does not have a direct role in selection, is clear that people skills are just as important as academic knowledge, while still stressing the need to raise aspirations and guide subject choices in schools.

Another feature of medical education is that funding is divided between the SFC / universities and NHS Education for Scotland, which contributes more than £80 million for clinical placements and pays for the whole of postgraduate medical training. This means that the 'profession' (or employer) - the NHS - is the majority funder of medical education, which is very different from legal education where the 'profession' (whether professional bodies or individual law firms) makes a much more modest, although still vital, contribution. Although both funders of medical education are equally committed to widening access to medicine, they have different perspectives - the SFC and universities view medical education in the wider context of university education and NHS Education for Scotland views it through the lens of training the future workforce. For example, the NHS argues that half of qualified doctors need to become GPs, while according to surveys of future career intentions among medical students this is the choice of less than third.

Medical students

The number of applications for pre-clinical courses in Scottish universities has apparently remained broadly stable over the past five years - 'apparently' because in 2017 some applications were classified as 'others in medicine and dentistry'. In 2019 the total was 9,200. Over the same period, the number of accepted applicants increased from 980 to 1,155 (and the same reclassification took place so again the figures are not strictly comparable). Each applicant is allowed four choices, but it is impossible to calculate how many applicants (as opposed to applications) there are for each place in Scottish medical schools because these figures are for all applications, not simply those from Scottish domiciled students and because some of the choices will be for places in medical schools in the rest of the UK. But a rough calculation suggests there are fewer than two applicants for each place - a high degree of competition but not perhaps as high as is sometimes supposed.

The number of Scottish domiciled entrants to pre-clinical medicine increased from 485 in 2015-16 to 575 in 2018-19. The proportion from SIMD20 areas increased from just 15 (3 per cent) to 75 (13 per cent). Unless there is a marked change in non-completion rates this impressive increase is likely to be matched in time in a similar increase in the proportion of qualifiers from clinical medicine courses, where the share of SIMD20 graduates was still only 4 per cent.

Typically the minimum entry requirements for widening access applicants to medical schools are AAABB rather than AAAAB for examination grades, and a 10 per cent lower threshold on the University Clinical Aptitude Test (UCAT) which assesses wider skills. Widening access applicants are normally defined as living in an SIMD20 postcode, have care experience or are estranged from their families. Other factors are taken into account such as successful completion of a top-up programme or summer school, although eligibility for MERs is sometimes confined to the more tightly defined group of applicants. Welcome and significant progress has been made, although entrants to medical schools still come predominantly from the top two SIMD quintiles. For example, at the University of Edinburgh SIMD40 entrants have increased from less than 10 per cent in 2017 to 17 per cent in 2019. At the University of Glasgow the proportion of SIMD applicants increased from 11.3 per cent in the five-year period 2007-11 to 20.3 per cent in the subsequent six-year period (2012-18).

Widening access

A number of initiatives and interventions have been designed to promote fair access to medicine. Some seek to expand the pool of applicants. The most significant is Reach Scotland, a national programme to provide information, advice and guidance on admissions to high-demand professional subjects including medicine (and law) which focuses on S4-6 pupils from SIMD40 areas in target schools. All the medical schools participate in Reach which has had a significant impact. Before the programme was established less than 10 per cent of entrants were from SIMD40 areas, and by 2018 it had almost doubled.

Others have more direct interventions. Within the 22-per cent increase in the total number of places for medical students (190 places) since 2016, 50 have been ring-fenced for widening access entrants in addition to the 55 places for the Scottish Graduate Entry programme jointly offered by Dundee and St Andrews and 60 places designed to produce greater exposure to general practitioner medicine.

The success of Scotland's five medical schools in recruiting SIMD20 entrants to fill the widening access places has been mixed. Although all have been able to fill the additional widening access places according to the wider criteria reported to the Scottish Funding Council, two - Edinburgh and St Andrews - did not fill them with SIMD20 entrants. The SFC has been discussing with universities whether existing criteria should be tightened. It has also been suggested that widening access places should be redistributed to those universities that have been most successful in filling them.

Starting this year, 2020-21, the University of Edinburgh will offer 25 additional places for a new course designed to allow other healthcare professionals with appropriate experience to study for medicine combining part-time study with their existing jobs. Although not directly aimed to widen participation to medicine, the new course is likely to have that effect because most healthcare courses recruit students from a much wider social base than medicine. Finally, the government has funded two pre-medical entry courses for Scottish domiciled students from socially deprived social backgrounds or remote and rural communities, initially at Glasgow and now at Glasgow and St Andrews. The Glasgow course, in particular, has been very successful.

Other outcomes

Widening access, of course, is not the only goal set by the SFC in its list of outcomes for medical education. Other outcomes are retaining more Scottish medical school graduates in Scotland working for the NHS, increasing the number of Scottish domiciled entrants to medicine, encouraging more newly qualified doctors to enter GP practice and other shortage specialities and to simplify and clarify the admissions process across medical schools. However, a more socially representative body of young doctors is assumed - and likely - to be the outcome of pursuing these other goals alongside targeted initiatives to widen access.

In 2019-20, for each of the five medical schools the government, in addition to overall core intake numbers, a minimum number of Scottish domiciled entrants has been set. For example, at the University of Glasgow, the largest medical school, 164 of the 210 entrants are now expected to be from Scotland. The effect will be over the next three years to replace 100 students from the rest of the UK with 100 more students from Scotland (and the rest of the European Union). As has already been indicated; the goal is to retain more medical students in Scotland. Six months after graduation more than four out of five Scottish domiciled graduates in 2016-17 were working for the NHS Scotland, although it is worth noting that more than half of graduates domiciled in the rest of the UK were also working for NHS Scotland. As only 17 per cent of Scottish domiciled graduates were working in the NHS in other parts of the UK, there is a significant net inflow into the medical workforce in Scotland.

A new medical school?

No new medical schools have been established in Scotland in contrast to England where several new medical schools, several based on collaborations between pre-1992 and post-1992 universities or solely in post-1992 universities, have been established. It has been argued that the involvement of post-1992 universities, which have a much stronger general focus on widening access, has stimulated new and more flexible approaches to admissions. The increased population in England, of course, has expanded the pool of clinical placements which has provided head room for expansion.

However, the government is now actively considering the creation of a new medical school in Scotland, rather than distributing any additional places across the existing schools (subject to whatever conditions the government might impose). One possibility is that St Andrews should be upgraded to a full medical school with both pre-clinical and clinical courses, which might reduce the outflow of students to Manchester and London (although most of these are likely to be English-domiciled students). The university is also developing an innovative model of clinical studies with clinical placements in GP hubs and other primary care settings rather than hospitals. To achieve this, the GMC would have accredit medical degrees at St Andrews. This option would not address the geographical imbalance of Scottish medical schools with four in the east and only one in the west, where the bulk of the population lives (including the largest concentration of SIMD20 areas).

Other proposals have been outlined - for example, collaborations between the University of Aberdeen and the University of the Highlands and Islands or the University of Glasgow with the University of the West of Scotland to address the need for doctors in remote and rural areas - the Highlands and Islands and the Borders (although the University of Edinburgh argues that it is already focused on the latter region) respectively. The main considerations in reaching a final decision are likely to be those set out in the SFC's outcomes for medical education - retention of medical graduates in Scotland, a greater focus on primary care and less popular specialities and meeting the needs of remote and rural areas. However, there are implications for fair access, not least the impact of the development of more innovative medical education on attitudes to

the qualities needed to be a good doctor and the need for wider social representation in the profession.

Discussion and recommendations

Despite very substantial efforts by medical schools, fair access to medicine is still a long way from being achieved. As the only effective point of intervention is at the point of initial entry to pre-clinical medicine, the comparative lack of fair access to medicine will continue to feed through into the limited representation of non-advantaged social groups within the medical profession. Even with a substantial uplift in recruitment from these groups into medical schools this will continue to be the case for many years.

The proportion of SIMD20 entrants to medicine lags behind the proportion of SIMD20 entrants to all first-degrees in the university as a whole. Several explanations have been offered:

- an inadequate pool of suitably qualified SIMD20 school leavers (even when MERs have been taken into account);

- lack of aspiration among many pupils from more socially deprived backgrounds;

- inadequacy of SIMD20 as a metric for determining progress towards fair access (which is why most medical schools use SIMD40 and other 'flags' indicating comparative disadvantage as well);

- rigidity of entry requirements set by medical schools in terms both of grades (even with adjusted offers) and subjects;

- the higher degree of autonomy that medical schools typically enjoy within universities than most other departments;

- the NHS's lack of leverage despite the fact it is the majority funder of medical education, even at the undergraduate level; and

- competing agendas to give a greater priority to GP practice and less popular specialities and to address the needs of rural and remote communities, although there is substantial synergy between fair access and these other agendas.

All, to different extent, are true. Certainly there can be little doubt about the commitment of medical schools to fair access, although within the context of what they believe to be possible and appropriate.

Recommendation 10

Medical schools should consider whether the grades discounts currently offered by MERs, (and reduced UCAT scores) are enough to expand the pool of applicants from socially deprived areas. In particular they should consider whether standards can be maintained while relaxing subject requirements and placing a greater emphasis on people skills and the outcomes most valued by the professions in their admissions processes.

Recommendation 11

A clear focus should be maintained on the recruitment of SIMD20 students until (or unless) those targets are redefined (perhaps to include FSMs). Although other metrics will always be necessary and desirable, they should not be allowed to become an alternative to this primary metric. Success in recruiting SIMD20 students should determine the future allocation of additional widening access places in medical schools.

Recommendation 12

If an additional medical school is established a track record on delivering fair access, and a commitment to accelerate progress towards fair access, should be given as much weight as other criteria such as medical specialties and geographical coverage.

Creative professions

Introduction

The creative professions: theatre, film, dance, fine art and the rest - are quite different from law and medicine. They are not regulated or licensed professions. There are no professional bodies, although there are examining bodies, organisations that offer kite marks and attempt to disseminate good practice and also practitioner and learned societies in some of these fields. There are no agreed pathways into the creative professions, although the Royal Conservatoire of Scotland (RCS) plays a pivotal role in training professional actors, film makers, dancers and musicians. The Glasgow School of Art (GSA) plays a similar role in fine art, although several formerly independent art schools have been incorporated into universities such as Abertay, Edinburgh and Robert Gordon. Architecture, which is not covered in this report, is an exception because degree courses are accredited.

Many future members of the creative professions have studied other subjects, mainly humanities, in universities; and some have no degrees at all. Similarly not all graduates of the RCS, GSA and art and design departments in universities go on to pursue careers in the professional fields indicated by the subjects they have studied; many become school teachers, although they may combine teaching with creative practice. This variety of routes into these professions, and the almost complete lack of licensing of practitioners, makes it difficult to define, let alone match, supply and demand, although a Creative Industries Action Group has been established.

Despite these differences many of the creative professions share a common characteristic with law and medicine, the over-representation of the more socially advantaged and corresponding under-representation of the socially deprived among professional practitioners. The statistics support this conclusion although the over-representation of entrants from more socially advantaged groups is much less pronounced than in medicine, and less pronounced than in law.

Student number trends

Overall applications to study creative art and design courses in Scottish universities over the past five years have stayed broadly stable - rising from 18,775 in 2015 to 20,045 in 2016 before declining over the next three years to 18,195 in 2019. A similar pattern can be observed in the number of acceptances which have remained almost flat - from 2,665 in 2015 to 2,675 in 2019. Within this overall pattern, the largest increase has been in drama. These figures are for applications and acceptances from the UK as a whole, although the number from other parts of the UK is well below the average for all subjects. In 2018-19 there were 2,240 Scottish domiciled entrants. To put the role of specialist institutions in perspective, only 12 per cent were at the Glasgow School of Art (170) and the RCS (105).

Taking three years - 2016-17 to 2018-19 - together, 14 per cent of first-degree entrants to courses in creative art and design were from SIMD20 areas. The highest proportion of SIMD20 entrants was in drama (19 per cent) and the lowest in fine art and cinema and photography (11 per cent). The proportion in music was 13 per cent. In creative art and design the share of entrants from the most advantaged SIMD quintile was 26 per cent, lower than in either medicine or law. There was almost a smaller variation in earnings among creative art and design graduates in sustained employment five years after graduation than in medicine and law. The median was £19,000, and the median for those from the most socially advantaged backgrounds was only £1,500 higher than for those from the most socially deprived. The data, therefore, suggests that there is significantly less of a fair access 'problem' in creative art and design than in either medicine or law.

But there is no room for complacency. First, entrants to courses in creative arts and design are still almost twice as likely to come from the most socially advantaged SIMD quintile than from the most socially deprived SIMD quintile. Secondly, although there is no data about graduates from other subjects who become creative practitioners, it is a reasonable assumption that they are similarly skewed to the more socially advantaged. Thirdly, pressure on local authority budgets is leading to cuts in schools, for example in music tuition. Aberdeen, Edinburgh and North Lanarkshire have reduced support for their music services, and are likely to introduce tuition charges. As the entry standard to Conservatoire-level courses cannot be met without additional tuition, whether school or local authority based or private, potential applicants from more deprived backgrounds are likely to be disadvantaged. Fourthly, access to creative jobs after graduation is often through networks of personal contacts and often unpaid internships or poorly paid casual jobs, which also tends to disadvantage graduates without these contacts, or the self-confidence needed to gain them.

Access initiatives

As with medicine the primary point of leverage to secure fair access is at the pre-admission and admission stages. Typically universities do not have dedicated programmes targeted on access to creative subjects and design, although they are covered by local school and local authority partnerships and regional networks on widening access. Potential applicants from more socially deprived areas and low-progression schools and the care-experienced are able to benefit from the adoption of minimum entry requirements and adjusted offers. The creative professions are not covered by the special access programmes for high-demand professions such as law and medicine. Dedicated access programmes are offered by specialist arts institutions as part of their efforts on widening access. The RCS's Transitions programme focused on schools and funded by the SFC has been one of the most successful. Almost three-quarters of its most recent cohort are from SIMD20 areas and 15 per cent are care-experienced. This has been reflected in a significant increase in SIMD40 applicants and entrants. The Conservatoire also runs a Widening Access to the Creative Industries (WACI) programme, and supports nine music centres in local authorities and also regional arts hubs and other outreach activities.

But universities (and, in particular, the two specialist arts institutions, GSA and RCS) can also have a powerful influence over shaping attitudes to future access to and employment in the creative professions. Their efforts on fair access in admissions and progression will be undermined by the persistence of career barriers that impact more severely on graduates from more deprived social backgrounds. In effect a seamless approach is needed from school (even primary school), through admission to and progression through higher education to professional practice. This is - comparatively - straightforward in medical education where university education, postgraduate training and professional practice are tightly integrated, with a small number of actors such as medical schools, the GMC and the NHS. This seamless whole-system approach is more difficult to achieve in the case of law, although as it is a licensed profession and qualifying law degrees are accredited by the primary regulator the Law Society. It is more difficult still in the case of the creative professions which are unregulated (with a very few exceptions) and where future practitioners arrive through a wide variety of routes and professional and career pathways are irregular. However, the success of fair access to higher education ultimately depends on a wider whole-system approach that not only looks back to schools but forwards to future professional practice.

Discussion and recommendations

It may seem that, unlike law and medicine, the disconnect between entry to first-degrees in universities and eventual employment in the creative professions is too great to allow fair access

to these professions to be a realistic policy objective (or even concern). There are just too many diverse and disjointed pathways to allow any points of intervention apart from the general policies that universities have adopted to increase their intake (and proportion) of SIMD20 and other disadvantaged applicants and to ensure that their continuation and completion rates and degree outcomes and employment patterns broadly match those of the general student population. Only the two specialist arts institutions, GSA and the RCS, might have some additional leverage to promote fairer employment outcomes because of their close links with creative practitioners.

However, to leave it at that would mean that efforts to promote fair access to a wide range of professions, which are not licensed and which do not recruit all (or most) future practitioners through dedicated professional pathways, would be redundant. This could be regarded as an abdication of responsibility. The aspirations of university applicants are shaped by their perceptions of future employment prospects. If these prospects are seen to be limited for students from more socially deprived backgrounds it is only to be expected their aspirations will be correspondingly reduced. No amount of outreach, or exhortation, can change that logic. Although entry to creative arts and design courses is not as unequal as entry to law and especially medicine, applicants from the most socially disadvantaged groups are still twice as likely to get places as those from the most deprived backgrounds. The perception that access to, and success in, some of the key creative professions is socially biased to a similar or even greater extent is likely to act as a drag on efforts to achieve fair access.

To be successful in the first place, and to be sustained, fair access must be a whole-system process. The entire journey from secondary education (and, indeed, primary education) through further and higher education to employment (and wider career opportunities post-initial employment) needs to be treated as a single flow that stress interdependencies rather than variables. This means that fairer access in relation to the creative industries is an important test case. In contrast, securing fairer access to law and medicine, however difficult to achieve at the level of practical issues, is more straightforward. The challenge is to devise policies and measures that are more specific than the policies and measures that apply to entry (and progression and success) for university courses generally, while accepting they cannot be as targeted as those in law and medicine.

Recommendation 13

Universities should consider the development of dedicated access pathways into creative art and design degrees by working in close collaboration with arts organisations, including bridging courses and summer schools not only at the pre-application or pre-entry stage but continued in subsequent years of study.

Recommendation 14

Experiments should be encouraged in establishing 'teaching hospital' models of collaboration between universities and and specialist higher education institutions and arts organisations combining academic study and professional practice.

Recommendation 15

The SFC should guarantee continuing support for the access work of GSA and the RCS as the key institutions in creative art and design education.

Chapter 3

Other forms of disadvantage

Socio-economic disadvantage, whether expressed at the community level (SIMD) or individual level (for example, FSMs), is clearly the major driver of inequality in rates of access to higher education. It is right that this tight focus on social class should be retained. Other drivers of inequality - age, race and ethnicity, gender, care-experience, disability, family estrangement and so on - are also important. But there could be a danger that the tight focus on social class, the primary driver of inequality, will be lost if efforts to address all the drivers of inequality are given equal weight.

But these other drivers also need to be urgently addressed, and embraced within the wider conversation about fair access.

• First, disadvantage is experienced by individuals. A disabled applicant is no less deserving of attention and support because s/he comes from a more socially advantaged background. A female applicant may still suffer a reduction in her opportunities if she chooses to study a male-dominated subject (or the other way round) even if she comes from a middle class home. All adult and/or part-time students are disadvantaged compared with younger and/or full-time students because of the much more limited opportunities for adult study and appropriate financial support.

• Secondly, in many cases there are significant interdependencies between social class and many forms of disadvantage. Most potential care-experienced applicants have suffered from various forms of socio-economic disadvantage. Family estrangement, although not confined to young people from more deprived social backgrounds, is likely to have a greater impact on future prospects for young people with more limited social advantages. Although some minority and ethnic minorities have enjoyed great success (including in some high-status professions), in general they face greater discrimination and higher barriers to success. Often the effects of socio-economic disadvantage are intensified by these other forms of potential disadvantage.

Fair access to higher education, therefore, is predominantly but not entirely about social class.

In the following discussion the primary focus is on universities which, of course, dominate aggregate figures for higher education. The student profile in colleges is different and, in the case of most other forms of disadvantage, substantially more representative of the general population.

Age

There are two starkly different narratives about age with regard to fair access. According to the first narrative, opportunities for mature students in higher education provide a vital 'second chance' for those who were unable, for whatever reason, to gain entry as school leavers. According to the second, mature students tend, on average, to come from more socially advantaged backgrounds. In short-hand terms, 'second chance' or 'to him that hath shall be given'?

Which narrative is seen as the fairer representation of the extent to which mature entry impacts on wider access depends on what levels, and modes, of higher education are being considered. If increased participation by SIMD20 students is the measure, opportunities for older students to study part-time on sub-degree courses in colleges clearly make an important contribution to fair access, while opportunities for them to study full-time on first-degrees in universities make a more

limited contribution. Although the proportion of SIMD entrants aged 21 and over is twice as high as for those under 21 (25.4 per cent compared with 11.9 per cent), this represents what might be called deferred initial entry rather than mature entry. It would be helpful if the SFC could include those studying at the Open University in Scotland in SIMD breakdowns for older students.

There are other factors to consider. Potential mature entrant from less socially deprived areas, who did not go onto higher education after school, are still relatively disadvantaged compared with their younger peers, who did have that opportunity - even if this does not register in terms of SIMD shares. This inter-generational disadvantage, inevitable because of the expansion of higher education over the past generation, deserves to be addressed. It is also important to recognise that opportunities for adult education at all levels and modes and in all institutional settings provide a gateway into higher education for mature students.

At present there is perhaps too much of a tendency to regard adult learning as a separate sector, provided by local authorities, voluntary and community bodies and employers, rather than as contributing to a wider tertiary education system. The Open University in Scotland, as well as being the major supplier of part-time degree education and a growing number of continuing education courses, has a pivotal role in mediating between traditional university education and adult education and community learning. It is important that its ability to do so, and to respond to specifically Scottish circumstances, is not constrained by over-tight control from the university's central apparatus in Milton Keynes

Care experience

Although the number of care-experienced students is small, this is an aspect of disadvantage that has a high political profile. Care-experience is recognised alongside SIMD20 as a key measure of progress towards fair access. In July 2019 Universities Scotland, on behalf of all universities, announced that care-experienced applicants who met minimum entry requirements would be guaranteed an offer of an undergraduate place at university from 2020 entry. This goes beyond the guarantee given to SIMD20 applicants. The presence of the First Minister at the launch of this initiative indicated how high-profile this issue has become. The SFC has also published its 'National Ambition' for care-experienced students. This high profile is important, because unlike the other forms of disadvantage discussed in this section, care-experience is not a protected characteristic in formal legal terms.

The focus on care-experience is entirely justified. It is clear that care-experienced younger people are substantially under-represented in higher education. According to Scottish Government figures, 2 per cent of young people are being looked after or on a child protection register. In 2017-18, 36 per cent of those who were looked after for part-time of the year and 49 per cent of those who had been looked after for the whole year went on to higher or further education, compared with 94 per cent of other young people.

According to SFC figures (calculated on a wider basis to include those in foster care and kinship care as well as those being looked after or on a children protection register), the number of full-time first-degree care-experienced students was only 320 (1 per cent) in 2018-19. However, this remmpresent a welcome increase over the previous year (255 or 0.8 per cent) and a substantial increase since In 2013-14 (145 or 0.5 per cent). The SFC's National Ambition for Care-Experienced students, announced in January 2020, is that by 2030 they should have the same opportunities as their peers. Although family breakdowns can occur at every level of society, the full disadvantages of care experience are more likely to impact on families suffering from multiple deprivation. There is likely to be a significant overlap between care-experience and residence in SIMD20 areas.

The likely effect of the high political profile on care-experience, Universities Scotland's pledge and the SFC's National Ambition is a further, hopefully substantial, increase in the number and percentage of care-experienced students. This will require multiple, sustained and coordinated interventions by social services, schools and voluntary organisations. However, guaranteed access to places in higher education will offer a powerful incentive and help to make these other interventions more likely to succeed. But its incentive effect will depend on effective communication of this guarantee to foster parents and others concerned with looking after young people in care.

Disability

Disabled students suffer substantial disadvantage. They are less likely to succeed at school so they are less likely to get university places. At university they continue to be disadvantaged despite the best efforts of institutions to accommodate their needs, and, in particular those with a mental health condition during their studies, they may find it more difficult to progress and succeed on the same terms as non-disabled students.

In February 2019, a discussion document was published on the Commissioner for Fair Access website that set out the then current data about disabled students and discussed the main issues that needed to be addressed. The data then suggested that disabled people, as might be expected, were under-represented in universities, although lack of reliable and consistent statistics on the share of the whole population that suffers from some form of disability makes it difficult to assess the precise degree of under-representation.

Disability, however, presents higher education with a number of different challenges.

- First, disability comes in multiple forms. Physical handicaps are often easily identified, and the adjustments needed to allow them to participate fully in higher education are also easier to identify (although some, in particular adjustments to teaching buildings and residential and other facilities, involve substantial cost). But the two areas in which there has been significant growth in the number of disabled students - autism and mental health - present more complex challenges. The needs of students suffering from autism, on a wide spectrum from mild to severe symptoms, can be addressed by making special provision or appropriate adjustments for work in lectures and seminars, and also examinations and other forms of assessment. The needs of students with a mental health condition, where institutions face perhaps their most serious challenges, have been more difficult to identify. Those of the most seriously affected can generally be provided for in university health and/or NHS provision, although this puts a premium on smooth inter-agency working. But the more mildly (and, in particular, the intermittently) affected can be more difficult to manage.

- Secondly, there are pitfalls in interpreting the data. The latest snapshot statistics show that in 2018-19 only 3.6 per cent of first-degree Scottish domiciled students received Disability Students' Allowance (DSA), funded by the Student Awards Agency Scotland (SAAS) or the Student Loans Company (SLC), and that this percentage is actually lower than it was five years earlier (4.3 per cent). But the same statistics also reveal that 16 per cent (or 18,830) had some form of known disability. Unlike DSA recipients, both the percentage and absolute number have increased over the same period. In 2014-15 they were 12 per cent and 13,260. This suggests that the most rapid increases have been in forms of disability that are less likely to attract DSA, which in turn may suggest that the criteria for receiving DSA may be too narrow and should be reviewed. Another possible interpretation is that the rise in disabled students may be mostly attributed to a large increase in number of students with a mental health condition which may not involve the payment of DSA and who may depend on other support measures - for example, mental health counselling in universities.

- Thirdly, there seem to be differing interpretations, both of eligibility for DSA and also the total number of disabled students. The percentage of UK domiciled first-year students at Scottish institutions receiving DSA varies considerably - from 17.4 per cent at Glasgow School of Art to 1.5 per cent at the University of the West of Scotland. The reply to a Freedom of Information request made by an MSP two years ago also revealed unexplained variations. For example, the University of St Andrews reported that 15.8 per cent of students self-declared themselves as disabled, while at the University of Glasgow it was only 6 per cent. This variation on reporting is likely to be reflected in variability of special provision and support.

Ethnicity

Compared with England (and, in particular, London and some other large English cities), ethnicity does not appear to be such a significant dimension of potential disadvantage. The reason is simple. Over 90 per cent of all UK domiciled students in Scottish higher education are white compared with fewer than 75 per cent in England. This reflected the ethnic composition of the Scottish population in which the BAME proportion increased from just 2 per cent in the 2001 census to 4 per cent in the 2011 census. Within Scotland there are wide variations in the proportion of BAME residents - from 11.6 per cent in Glasgow to only 0.7 per cent in Orkney. This overall increase, and the concentration of BAME residents in Scotland's largest cities, suggest that ethnicity is likely to become a more significant dimension of potential disadvantage in the future.

The proportion of Scottish domiciled BAME students in higher education is higher than in the general population, which reflects the different ethnic profile among younger age groups and also the continuing increase in the BAME share of Scotland's population since the 2011 census. The highest BAME share is among part-time students on further education courses in colleges. The proportion of BAME students on full-time first-degree is currently 8.8 per cent - 2,615 in 2017-18 compared with 1,415 in 2003-04. Half of BAME full-time first-degree students come from Asian backgrounds, as defined by the census. The number of BAME students on full-time higher education courses in colleges has also more than doubled over the same period.

There is evidence of a significant interrelationship between ethnicity and social class. In 2018-19, more than a quarter of BAME students in universities (26.7) were from SIMD20 areas, compared with 14.9 of white students. There was a similar although narrower gap among full-time higher education SIMD20 students in colleges - 36 per cent (BAME) compared with 27.5 per cent (white). So BAME students are substantially more likely to come from social deprived areas. This can be explained by a number of possible factors - that they actually suffer greater social disadvantage when mapped onto social class; that they are concentrated in big cities in poorer, generally SIMD20/40, areas as a result of cultural choices or broader discrimination although their residence may not reflect their socio-economic status; or, more positively, that despite these disadvantages, they have a greater appetite for higher education than the white population. Disentangling these complex factors is difficult in the absence of focused research.

Gender

At first sight it does not appear women face significant disadvantage in higher education compared to men. They make up a majority of both full-time and part-time students in universities - 59 per cent compared with 41 per cent, a gap of 18 per cent. That gap has widened over the past two decades. The proportion of women among part-time first-degree students is even higher, almost two-thirds. In higher education courses in colleges the picture is similar for full-time students but not among part-time students where their share has actually slipped from 56 per cent in 2003-04 to 44 per cent in 2017-18.

However, this optimistic picture needs to be qualified:

• First, although women are in an overall majority, they are a minority among students from the most advantaged social groups. In the most advantaged SIMD quintile there are 5 per cent more men than women, and even in the next SIMD quintile there is still a majority of men. In contrast in the other three SIMD quintiles women predominate. Different subject choices play a part in explaining this pattern. So too do differences in school attainment, with women from SIMD20 areas outperforming men which is not the case in SIMD80 areas. But the continuing influence of deep-rooted cultural assumptions about gender roles cannot be discounted.

• Secondly, the welcome progress towards increasing the proportion of SIMD20 applicants and entrants in universities is disproportionately due to an increase in participation among women. Men have lagged behind. While the SIMD profile of male students has changed only a little since 2013-14, the profile of female students has shifted significantly from the less to more deprived areas. In 2018-19, 16.9 per cent of female students came from SIMD20 compared to 14.3 per cent of male students. Over the same period, the proportion of female students from SIMD80-100 areas fell from 31.3 per cent to 25.3. A number of explanations have been suggested including that women from the most socially deprived social groups are less constrained by traditional roles. There has been no equivalent of feminism among young men to boost their self belief.

• Finally, there are very substantial gender imbalances between subjects. In 2018-19, 86 per cent of first degree entrants in subjects allied to medicine and 85 per cent in education were women. In computer science 82 per cent and in engineering and technology 81.5 per cent were men. These differences feed though into degree class profiles (as has just been said) and also future earnings and access to some high-status professions. These imbalances may also act as a disincentive for women to apply for male dominated subjects and vice versa. In its gender action plan, the SFC has made a commitment to discourage imbalances of more than three-to-one (75 per cent).

Conclusion

Although social class is the single most important factor in unequal access to higher education, these other factors should also be given due weight. As this brief discussion has shown, there are important cross-overs between social class and most of these other factors, notably care experience, ethnicity and (to a lesser degree) age.

This suggests not only that a continuing focus on SIMD will help indirectly to address potential discrimination on other grounds - but also that focused efforts to address these other disadvantages will help indirectly to tackle socio-economic disadvantage. These are not competing but mutually supportive agendas in the wider cause of securing fair access to higher education.

Even when the inter-relationship is less clear - in the case of age (partly), disability and gender - there are good reasons why these factors should also be embraced within the wider agenda of securing fair access to higher education. Older, disabled and female students all suffer disadvantage (although in different ways), even if they do not come from more socially deprived backgrounds.

For these reasons it is important that SIMD20 targets and action plans on disability, gender and ethnicity are properly coordinated as elements within the wider drive to fair access, rather than as separate agendas.

Recommendation 16

Action plans to address other forms of disadvantage - age, care-experience, ethnicity, disability and gender - should be coordinated with the wider drive towards fair access defined in terms of socio-economic status, rather than being treated as standalone agendas.

Afterword

Scotland has made remarkable progress towards fair access to higher education, which is a tribute to leadership from the top in the government and the SFC, the commitment of university and college sector and institutional leaders and - above all perhaps - the energy and dedication of those on the front line of access. It provides a model for the rest of the United Kingdom and wider efforts across Europe to address entrenched inequality in participation in higher education.

But this very success makes it important to maintain momentum. Fair access will never be 'done'. Some obstacles are well known:

• the attainment gap in schools between the socially advantaged and the socially deprived (which can never be judged simply to be a 'deficit' on the part of the latter);

• differences in aspirations (which, again, are not the 'fault' of those with lesser ambitions but an accurate reflection of the disparity in future life-chances);

• deeply entrenched and other unexamined assumptions (for example, about traditional standards, often lazily glossed as 'excellence' and bolstered by league tables and other rankings, and, more broadly, about the expected patterns and habits of university study); and

• a reluctance to develop a properly articulated and coordinated system of tertiary education with flexible pathways for all learners in the place of segmented sectors and within these sectors traditional hierarchies of institutions.

Scotland's success has owed a lot to a broader vision of fair access - as a wider social reform project rather than simply a limited exercise in remedying the 'deficits' of students from more deprived communities. It is that breadth of vision that will lead to further advances towards fair access in the coming decade, and also to provide the resilience to overcome the inevitable challenges posed by the Covid-19 pandemic and its equally inevitable consequences - disruption in patterns of learning; strained public finances; a transformed, and in the short term at any rate depressed, economy and employment market; and perhaps higher levels of social anxiety.

Note on statistics

Data on progress towards fair access, in terms of the proportion of entrants from SIMD20 areas, is taken from HESA's *Higher Education Student Statistics: UK 2018-19* and from the SFC's *Report on Widening Access 2018-19* (April 2020).

For law, medicine and creative arts and design the applications and admissions data is derived from UCAS end-of-cycle reports and HESA student data reports, and the graduate employment and earnings data from HESA's Destinations of Leavers in Higher Education (DLHE) and the Scottish Governments's Longitudinal Outcomes from Universities (LEO).

In the case of other forms of disadvantage - age, care-experience, disability, ethnicity and gender - data has been taken from HESA student data reports and the SFC's *Report on Widening Access 2018-19* and earlier *Report on Widening Access 2017-18* (May 2019, revised in December 2019). Data on students receiving the Disabled Students' Allowance (DSA) are taken from Students Awards Agency Scotland's *Higher Education Support in Scotland 2018-19* (October 2019).

In a few instances data refers to all UK domiciled students in Scottish higher education institutions rather than to Scottish domiciled students. Where this is the case this wider coverage is indicated.

Throughout this report, SIMD20 is used as an abbreviation for the most deprived quintile of communities in Scotland as measured by SIMD. It is not to be confused with SIMD 2020, the most recent recalculation of the SIMD index in January 2020. The figures in this report are based on the 2016 recalculation of SIMD, which was current during the period it covers.