

## EQUALITY IMPACT ASSESSMENT - RESULTS

<p><b>Title of Policy</b>  <b>Student Support Review</b>  <b>Commitments 2019/20</b></p>	<p>The Scottish Government 2019/2020 commitments for Further and Higher education, in response to the Independent Review of Student Support.</p> <ul style="list-style-type: none"> <li>• The lowest Higher Education bursary income threshold to rise from £19,000 to £21,000</li> <li>• The Higher Education bursary for young students to rise from £1,875 to £2,000 and for independent students to rise from £875 to £1,000.</li> <li>• The introduction of the 'Further Education Bursary Guarantee' system.</li> <li>• The maximum annual Further Education Bursary rate to rise from £4,185 to £4,500.</li> </ul>
<p><b>Summary of aims and desired outcomes of Policy</b></p>	<p>Relevant National Outcomes:          "We are better educated, more skilled and more successful, renowned for our research and innovation."          "Our young people are successful learners, confident individuals, effective contributors and responsible citizens."</p> <p>This EQIA will review the impact, on the protected characteristics, of implementing the Scottish Government's commitments to the relevant Higher and Further Education policies.</p>
<p><b>Directorate: Division: team</b></p>	<p>Advanced Learning and Science Directorate.          Higher Education and Science:          Student Support Review Team.</p>

## Executive summary

### 1. Changes to the lowest Higher Education bursary income threshold in Scotland.

A review of the increase to the lowest Higher Education (HE) bursary income threshold from £19,000 to £21,000 was carried out, of which this EQIA forms a part.

The EQIA identified that by increasing the lowest HE bursary income threshold, we would have a positive impact on students from the poorest households in all equality groups, by increasing the number of students eligible to access the maximum bursary support and supporting them in accessing and remaining in HE as a result.

There are different levels of bursaries available to young and independent students and this fact will not change as a result of the policy to increase the lowest HE bursary income threshold. Therefore, the EQIA identified a potentially negative impact with respect to age and gender. Under the current eligibility criteria, students who are over 25 or who have dependent children are directly discriminated against because they can only access the Independent Student Bursary (ISB) which is lower than the Young Student Bursary (YSB). Women are indirectly discriminated against because there are more women in receipt of ISB than men and more women who decide to pursue HE later in life. However, analysis of the associated evidence determined that this position was justified under relevant legislation, with any risks mitigated.

### 2. Changes to the maximum Higher Education bursary levels in Scotland.

A review to increase the maximum Higher Education (HE) bursary for young students from £1,875 to £2,000 and for independent students from £875 to £1,000 was carried out, of which this EQIA forms a part.

The EQIA identified that by increasing the maximum level of Young Students' Bursary (YSB) and Independent Students' Bursary (ISB), we would have a positive impact on all students from the poorest households by increasing the level of support available to them and supporting them in accessing and remaining in HE as a result.

There are different levels of bursaries available to young and independent students and this fact will not change as a result of the policy to increase the maximum level of both bursaries. Therefore, the EQIA identified a potentially negative impact with respect to age and gender. Under the

current eligibility criteria, students who are over 25 or who have dependent children are directly discriminated against because they can only access the ISB which is lower than the YSB. Women are indirectly discriminated against because there are more women in receipt of ISB than men and more women who decide to pursue HE later in life. However, analysis of the associated evidence determined that this position was justified under relevant legislation, with any risks mitigated.

### 3. Changes to the Further Education bursary levels in Scotland

A review to increase the maximum Further Education (FE) bursary level from £4,247 to £4,500 was carried out, of which this EQIA forms a part.

The EQIA identified that by increasing the FE bursary levels, we would have a positive impact on all students over the age of 18 by increasing the level of support available to them and supporting them to access and remain in FE as a result.

The EQIA identified a risk of potentially negatively impacting those students below the age of 18. Such students access Education Maintenance Allowance (EMA) in place of the FE bursary and therefore will not benefit from an increase in the level of support available to them. However, analysis of evidence determined that this position was justified under the relevant legislation.

### 4. Introduction of the 'FE Bursary Guarantee' system.

A review of the introduction of the 'FE Bursary Guarantee' system was carried out, of which this EQIA forms a part.

The EQIA identified that the introduction of the 'FE Bursary Guarantee' system will have a positive impact on 18 and 19 year old students as it ensures payment of the FE bursary rather than EMA and eliminates any disparity in the support received by this group of students.

The EQIA identified that only students who are 18 prior to the first day of their course, will benefit from the system. Those who turn 18 part way through their course will continue to receive the same level of support as they did from the start of their course, whether that be EMA or FE bursary. This is in line with other age-based student support schemes, including EMA and the position is therefore believed to be justified.

The EQIA also identified a risk of potentially negatively impacting those students under 18 years of age as the 'FE Bursary Guarantee scheme will

not extend to this age group category and they will continue to be eligible for EMA only, at a rate of £30 per week. However, analysis of evidence determined that this position was justified under relevant legislation.

## Background

The Independent Review of Student Support provided recommendations to Ministers on 20<sup>th</sup> November 2017. Following the recommendations made by the Review, the former Minister for Further Education, Higher Education and Science announced in a Ministerial Statement to Parliament on the 12<sup>th</sup> June 2018 that in the academic year 2019/2020:

- The lowest HE bursary income threshold will rise from £19,000 to £21,000;
- HE bursary for young students will rise from £1,875 to £2,000 per year;
- HE bursary for independent students will rise from £875 to £1,000 per year;
- FE bursary will rise from £4,185 to £4,500 per year;
- The 'FE bursary guarantee' system will be introduced to ensure payment of FE bursary to eligible 18/19 year olds rather than the Education Maintenance Allowance.

These commitments were a first step towards realising the ambitions of the 'social contract model' across Further and Higher Education.

### 1. Changes to the lowest Higher Education bursary income threshold in Scotland.

At present, eligible full time undergraduate students can access a minimum income of £7,625 through a combination of YSB or ISB and student loans, with a household income of less than £19,000.

The aim is to meet the Scottish Government's commitment to revise the existing policy and raise the lowest HE bursary income threshold from £19,000 to £21,000.

### 2. Changes to the maximum Higher Education bursary levels in Scotland.

At present, eligible full time undergraduate students with a household income of less than £19,000 can access a minimum income of £7,625 through a combination of:

- £1,875 YSB and £5,750 student loan for living costs or;
- £875 ISB and £6,750 student loan for living costs.

The aim is to meet the Scottish Government's commitment to revise the existing policy and increase the maximum YSB from £1,875 to £2,000 and the maximum ISB from £875 to £1,000.

### 3. Changes to the Further Education bursary levels in Scotland

At present, bursaries in Further Education are for students undertaking courses up to, but not including, HNC level. Students who are 18 or over can receive a non-repayable bursary of up to £4,247 (AY 2018/2019) depending on age, family circumstances and income.

The aim is to meet the Scottish Government's commitment to revise the existing policy and increase the maximum FE bursary from £4,247 to £4,500 per year.

### 4. Introduction of the 'FE Bursary Guarantee' system.

At present, bursaries in Further Education are for students undertaking courses up to, but not including, HNC level. Students who are 18 or over can receive a non-repayable bursary of up to £98.79 a week (AY 2018/2019), depending on age, family circumstances and income. However, currently some 18 and 19 year old FE students, receive EMA at £30 a week instead of the £98.79 bursary. This creates disparity in the support available to this group of students.

The aim is to meet the Scottish Government's commitment to revise the existing policy and ensure payment of the FE bursary to eligible 18 and 19 year olds rather than the EMA.

All of the above Scottish Government commitments contribute to the following national outcomes:

- We are better educated, more skilled and more successful, renowned for our research and innovation.
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens.

### **The Scope of the EQIA**

1. Changes to the lowest Higher Education bursary (HE) income threshold in Scotland.

The policy has relevance to the protected characteristics of age and sex.

As the change to increase the lowest HE bursary income threshold is intended as a positive change for all prospective students from the poorest households, it is considered a concise and focused Equality Impact Assessment is proportionate in these circumstances.

The policy change will affect eligible full time undergraduate students, from the poorest households, applying for the maximum YSB or ISB and student loan for living costs, from academic year 2019/2020 onwards.

In the academic year 2017/2018, referring to statistics provided by the Student Awards Agency Scotland (SAAS), there were 17,615 students in receipt of the maximum YSB award and 18,735 in receipt of the maximum ISB award.

The commitment to raise the HE bursary income threshold from £19,000 to £21,000 combined with the increase to the maximum YSB and ISB in 2019/2020, will benefit approximately 40,000 students.

The EQIA consulted the Review Board Members, Sub Group members and 98 different organisations and individuals as part of the Review's consultation. The findings from both consultations shaped the recommendations of the Review which led to the Scottish Government commitment to raise the lowest HE bursary income threshold.

The EQIA considered key data regarding the age and gender of Scottish domiciled students currently in receipt of the maximum YSB and ISB provided by SAAS. The data highlighted the range in ages of student borrowers and that more women than men are in receipt of a bursary. However, as the increase to the lowest bursary income threshold will apply to students irrespective of age and gender, this is seen as a positive change for all equality groups. Any negative impacts are either justified under relevant legislation or action has been taken to mitigate the impact.

## 2. Changes to the maximum Higher Education bursary levels in Scotland.

This policy has relevance to the protected characteristics of age and sex.

As the change to increase the maximum HE bursary levels for YSB and ISB is intended as a positive change for all prospective student borrowers from the poorest households, it is considered a concise and focused Equality Impact Assessment is proportionate in these circumstances.

The policy change will affect eligible full time undergraduate students, from the poorest households, applying for the maximum YSB or ISB from academic year 2019/2020 onwards.

In academic year 2017/2018, referring to statistics provided by the Student Awards Agency Scotland (SAAS), 17,615 students were in receipt of the maximum YSB award and 18,735 were in receipt of the maximum ISB award.

The increase to the maximum YSB and ISB in 2019/2020, combined with the commitment of raising the HE bursary income threshold from £19,000 to £21,000, will benefit approximately 40,000 students.

The EQIA consulted the Review Board Members, Sub Group members and 98 different organisations and individuals as part of the Review's consultation. The findings from both consultations shaped the recommendations of the Review which led to the Scottish Government commitment to raise the maximum level of YSB and ISB.

The EQIA considered key data regarding the age and gender of Scottish domiciled students currently in receipt of the maximum YSB and ISB provided by SAAS. The data highlighted the range in ages of student borrowers and that more women than men are in receipt of a bursary. However, as the increase to the bursary levels will apply to students irrespective of age and gender, this is seen as a positive change for all equality groups. Any negative impacts are either justified under relevant legislation or action has been taken to mitigate the impact.

### 3. Changes to the Further Education bursary levels in Scotland

The policy has relevance to the protected characteristics of age, sex, disability and race.

As the change to increase the FE bursary level is intended as a positive change for all prospective students accessing the bursary, it is considered a concise and focused Equality Impact Assessment is proportionate in these circumstances.

The policy change will affect all eligible full-time FE students who are 18 and above and accessing a FE bursary from academic year 2019/2020 onwards.

In academic year 2017/2018, referring to statistics provided by the Scottish Funding Council (SFC), 22,515 students were in receipt of a FE bursary, all of which will benefit from this change.

The increase to the FE Bursary level in 2019/2020, combined with the introduction of the 'FE Bursary Guarantee System' will benefit approximately 23,000 students.

The EQIA consulted the Review Board Members, Sub Group members and 98 different organisations and individuals as part of the Review's consultation. The findings from both consultations shaped the recommendations of the Review which led to the Scottish Government commitment to increase the FE bursary level.

The EQIA considered key data regarding the age, disability, gender and race of Scottish domiciled students currently in receipt of a FE bursary. The data highlighted the range in ages, disabilities and race of FE bursary borrowers and that more women than men access a FE bursary. However, as the increase to the bursary level will apply to all students over the age of 18, irrespective of disability, gender and race, this is seen as a positive change for students in all equality groups. Any negative impacts are either justified under relevant legislation or action has been taken to mitigate the impact.

#### 4. Introduction of the 'FE Bursary Guarantee' system.

This policy has relevance to the protected characteristics of age, gender, disability and race.

As the change to introduce the 'FE Bursary Guarantee' system is intended as a positive change for prospective FE students accessing the bursary, it is considered a concise and focused Equality Impact Assessment is proportionate in these circumstances.

The policy change will affect eligible full time 18 and 19 year old FE students accessing a FE bursary from academic year 2019/2020 onwards.

In academic year 2017/2018, referring to statistics provided by the Scottish Funding Council (SFC), 6,895 18 and 19 year old students were in receipt of a FE bursary.

The introduction of the 'FE Bursary Guarantee System' combined with the increase to the FE Bursary levels in 2019/2020, will benefit approximately 23,000 students.



The EQIA consulted the Review Board Members, Sub Group members and 98 different organisations and individuals as part of the Review's consultation. The findings from both consultations shaped the recommendations of the Review which led to the Scottish Government commitment to introduce the 'FE Bursary Guarantee' system.

The EQIA considered key data regarding the age, disability, gender and race of Scottish domiciled students currently in receipt of a FE bursary. The data highlighted the range in ages, disabilities and race of students accessing a FE bursary and that more women than men access a FE bursary. However, as the introduction of the 'FE Guarantee System' will apply to 18 and 19 year old students irrespective of disability, gender and race, this is seen as a positive change for students in all equality groups. Any negative impacts are either justified under relevant legislation or action has been taken to mitigate the impact.

## **Key Findings**

1. Changes to the lowest Higher Education bursary (HE) income threshold in Scotland.

The EQIA identified that there are gaps in the information available relating to the characteristics of the students currently accessing the maximum YSB or ISB in Scotland and therefore the impact that the increase in the bursary income threshold will have on the protected characteristics.

However, increasing the lowest bursary income threshold in general is seen as a positive change for the poorest families in all equality groups, as a greater number of such students will be entitled to the maximum YSB or ISB and this helps support them to access and remain in Higher Education as a result.

Under the current eligibility criteria, students who are over the age of 25 or who have dependent children are directly discriminated against because they can only access the ISB which is lower than the YSB. Women are indirectly discriminated against because there are more women in receipt of ISB than men, and more women who decide to pursue HE later in life.

Although the lowest bursary income threshold will be raised for both the YSB and ISB, the policy could potentially directly and indirectly discriminate against these protected groups, as the effect is that students over 25 and students with dependent children living with them (with both groups containing proportionately more women than men) are only entitled to the

lower level of bursary and have to incur higher student loan debt to make up the difference.

In relation to age (including the higher proportion of female students over the age of 25), the objective justification is prioritising a higher bursary to loan ratio for young students who have recently left full-time school education to pursue higher education, recognising that these students will have had limited opportunities to enter into the employment market and become self-sufficient. This policy is considered to be proportionate to the aim pursued, as any negative financial impact on older students is mitigated by the availability of a greater level of student loan support.

In relation to the policy of treating parents as independent students, regardless of age, which has a disproportionate adverse impact on female students, this is considered to be objectively justified due to the need to manage limited public funds appropriately to target them where they are needed most. Due to the availability of other funding to loan parents in the form of welfare benefits or SAAS support, any potentially discriminatory effects of the policy on YSB/ISB may be mitigated.

## 2. Changes to the maximum Higher Education bursary levels in Scotland.

The EQIA identified that there are gaps in the information available relating to the characteristics of the students currently accessing the maximum YSB or ISB in Scotland and therefore the impact that the increase to the maximum levels of the bursary will have on the protected characteristics.

However, increasing the maximum levels of YSB and ISB in general is seen as a positive change for the poorest families in all equality groups, as students will be entitled to the increased maximum YSB or ISB and this helps support them to access and remain in Higher Education as a result.

Under the current eligibility criteria, students who are over the age of 25 or who have dependent children are directly discriminated against because they can only access the ISB which is lower than the YSB. Women are indirectly discriminated against because there are more women in receipt of ISB than men, and more women who decide to pursue HE later in life.

Although the lowest bursary income threshold will be raised for both the YSB and ISB, the policy could potentially directly and indirectly discriminate against these protected groups, as the effect is that students over 25 and students with dependent children living with them (with both groups containing proportionately more women than men) are only entitled to the

lower level of bursary and have to incur higher student loan debt to make up the difference.

In relation to age (including the higher proportion of female students over the age of 25), the objective justification is prioritising a higher bursary to loan ratio for young students who have recently left full-time school education to pursue higher education, recognising that these students will have had limited opportunities to enter into the employment market and become self-sufficient. This policy is considered to be proportionate to the aim pursued, as any negative financial impact on older students is mitigated by the availability of a greater level of student loan support.

In relation to the policy of treating parents as independent students, regardless of age, which has a disproportionate adverse impact on female students, this is considered to be objectively justified due to the need to manage limited public funds appropriately to target them where they are needed most. Due to the availability of other funding to loan parents in the form of welfare benefits or SAAS support, any potentially discriminatory effects of the policy on YSB/ISB may be mitigated.

### 3. Changes to the Further Education bursary levels in Scotland

The EQIA identified that there are gaps in the information available relating to the characteristics of students accessing FE bursaries in Scotland and therefore the impact that the increase in level of bursary will have on the protected characteristics.

However, increasing the FE bursary in general is seen as a positive change for all equality groups as they will receive increased support, which will in turn support them to access and remain in Further Education.

The EQIA identified a potential negative impact specifically for students below the age of 18, who would be the only age group category not to see an increase in the support available to them. This is because students under the age of 18 receive EMA in place of a bursary. The impact on this group of students was assessed as part of the Equality Impact Analysis, which highlighted that those under 18 are generally classed as children under legislation, including legislation relating to child support and aliment, and are therefore more likely to be living with parents and legally entitled to receive financial support from their parents. For those living away from home, an additional financial supplement of £39.27 is provided in addition to EMA, equating to a total of £69.27 per week.

Although this doesn't equate to the same value as the FE bursary, students under 18 are generally regarded as requiring less money (the National Minimum Wages Regulations 2015 provide for a lower minimum wage for younger people).

In addition under 18s may pursue education in school while over 18s cannot and it is important that the FE bursary does not act as an incentive for young people to leave school (for example, to claim a higher FE bursary) where this is not the best choice for them.

Therefore the position is believed to be justified under the relevant legislation.

#### 4. Introduction of the 'FE Bursary Guarantee' system.

The EQIA identified that there are gaps in the information available relating to the characteristics of 18 and 19 year old students accessing FE bursaries in Scotland and therefore the impact that introducing the 'FE Bursary Guarantee' system will have on the protected characteristics.

However, introducing the 'FE Guarantee' system in general is seen as a positive change for 18 and 19 year olds in all equality groups as it eliminates any disparity in the support they receive.

The EQIA identified a potential negative impact for students below the age of 18. Such students access EMA at £30 per week as an alternative to the FE bursary and will be excluded from the 'FE Bursary Guarantee' system, which would ensure payment of the FE bursary up to £98.79 per week. The impact on this group of students was assessed as part of the Equality Impact Analysis, which highlighted that Under the Family Law (Scotland) Act 1985, those under 18 years of age are classed as a child and are therefore more likely to be living with parents who owe them a duty of aliment (i.e financial support). For those living away from home, an additional financial supplement of £39.27 is provided in addition to EMA, equating to a total of £69.27 per week.

Although this doesn't equate to the same value as the FE bursary, students under 18 are generally regarded as requiring less money (the National Minimum Wages Regulations 2015 provide for a lower minimum wage for younger people).

In addition under 18s may pursue education in school while over 18s cannot and it is important that the FE bursary does not act as an incentive

for young people to leave school (for example, to claim a higher FE bursary) where this is not the best choice for them.

The EQIA also identified that only students who are 18 prior to the first day of their course, will benefit from the system. Those who turn 18 part way through their course will continue to receive the same level of support as they did from the start of their course, whether that be EMA or FE bursary. This is in line with other age-based student support schemes, including EMA and is therefore believed to be justified.

## Recommendations and Conclusion

1. Changes to the lowest Higher Education bursary (HE) income threshold in Scotland.

In conclusion, positive impacts as a result of increasing the lowest HE bursary income threshold, have been identified for students in all equality groups.

The revision to the policy will help support students from the poorest households to access and remain in HE by increasing the number of students able to access the maximum available bursary and loan.

Any change to the policy and the overall HE student support package, will be subject to ongoing monitoring by the HE and Science Division. SAAS will continue to gather statistical data on student applications for the maximum YSB and ISB and student loans, therefore we will monitor the impact of this change on relevant groups going forward.

2. Changes to the maximum Higher Education bursary levels in Scotland.

In conclusion, positive impacts as a result of raising the maximum level of YSB and ISB, have been identified for students in all equality groups.

The revision to the policy will help support students from the poorest households to access and remain in HE.

Any change to the policy and the overall HE Student Support package will be subject to ongoing monitoring by the HE and Science Division. SAAS will continue to gather statistical data on student applications for the maximum YSB and ISB and student loans, therefore we will monitor the impact of this change on relevant groups going forward.

3. Changes to the Further Education bursary levels in Scotland

In conclusion, positive impacts as a result of raising the maximum FE bursary level have been identified for students in all equality groups.

The revision to the policy will help support students to access and remain in FE.

Any change to the policy and the overall FE Student Support package will be subject to ongoing monitoring by the Colleges, Young Workforce and SFC Sponsorship division. SFC will continue to gather statistical data on students

accessing FE bursaries, therefore we will monitor the impact of this change on relevant groups going forward.

#### 4. Introduction of the 'FE Bursary Guarantee' system.

In conclusion, positive impacts as a result of introducing the 'FE Bursary Guarantee' system have been identified for students in all equality groups.

The revision to the policy will ensure 18 and 19 year old FE students have access to the maximum support available and will help support them to access and remain in FE.

Any change to the policy and the overall FE Student Support package will be subject to ongoing monitoring by the Colleges, Young Workforce and SFC Sponsorship division. SFC will continue to gather statistical data on students accessing FE bursaries, therefore we will monitor the impact of this change on relevant groups going forward.