

**CONSULTATION ON THE DRAFT STUDENT FEES (SPECIFICATION)  
(SCOTLAND) ORDER 2011**



**RESPONDENT INFORMATION FORM**

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

**1. Name/Organisation**

Organisation Name

ATL Scotland

**Title** Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Robson

Forename

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**2. Postal Address**

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**3. Permissions - I am responding as...**

**Individual**

**Group/Organisation**

*Please tick as appropriate*

**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

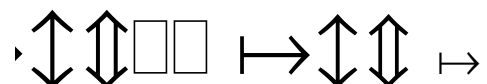
**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*  Yes



## CONSULTATION QUESTIONS

**1. Do you agree that we need to respond to the changes in tuition fee policy taking place elsewhere in the UK?**

Yes  No

**If not, why not?**

Comments

**2. Do you agree with the suggested approach of deregulating fees for RUK domiciled students, thereby allowing Scottish universities the flexibility to offer those students courses on an equal basis, in terms of overall tuition fee costs, with universities in other parts of the UK?**

Yes  No

**If not, why not? And how would you ensure that Scottish universities do not become the “cheap option” for RUK domiciled students?**

We recognise that the current situation is not of the Scottish Government's making; and indeed we supported the Scottish Government when it abolished the graduate endowment in the last Parliament. We welcome the Scottish Government's consultation on the draft Order as we believe an equitable and sustainable solution needs to be found to ensure neither Scottish universities nor Scottish students are disadvantaged by the new fee regime being implemented elsewhere in the UK from 2012/13.

ATL remains opposed to the marketisation of education across the UK in whatever format from tuition fees to academies to free schools. We do not believe that students should be paying the price of the current UK Government's decision to dramatically reduce and in some disciplines withdraw the teaching grant to universities in England.

It is for that reason we cannot support the Scottish Government's approach in its current format; regardless of whether or not we believe it would have brought forward such proposals if it had not been required due to the actions of the UK government. We believe that the proposed approach could lead to a marketisation of higher education in Scotland, albeit with potentially unintended consequences between and within institutions and courses, if it is not reviewed and revised.

If RUK domiciled students are to be excluded from fee arrangements as per the Order then that would seem to amount to a quota for Scottish domiciled students. It would appear, therefore, that a mechanism to protect the number of places available for Scottish students is already effectively in place, thus removing much of the need and rationale for the deregulation of fees for RUK domiciled students as proposed.

**3. Do you agree that the differential fee for medicine should be removed?**

Yes  No

**If not, why not?**

If passed the new 2011 Order will in effect make the 2006 Order redundant. Removing the differential fee for medicine would therefore be a natural consequence of the Order being passed.

**4. Do you have any comments on the draft Order and associated documentation (Annex B)?**

We would like to seek clarification on the issue of domicile for Scottish and RUK students. There is a significant cross-border flow within the independent school sector, particularly amongst students whose parent(s) teach at an independent school, which could leave individual students open to not qualifying for residency from any particular part of the UK over the three year period through no fault of their own. A reading of the explanatory notes accompanying the draft Order does not appear to allow for individual and specific circumstances to be taken into account.

**Questions on the Interim Equality Impact Assessment**

**5. Do you consider that there is any additional evidence in relation to adverse impact on any of the equality groups that we have not recognised or considered?**

Yes  No

**If so, please identify this and provide us with any further relevant data to support your analysis.**

If the Scottish Government remains compelled to legislate for a deregulation of fees for RUK domiciled students then measures should be taken to ensure that Scotland does not become the most expensive part of the UK to study rather than the cheapest as is currently feared due to the four year degree system in Scotland as opposed to three years elsewhere in the UK.

We believe that the draft Order does not reflect the fact that RUK students would have to study for an extra year in Scotland as opposed to elsewhere in the UK therefore occurring additional costs. This in turn could make Scotland a more expensive option than the rest of the UK with the potential to dissuade them from studying in Scotland. We would like the Scottish Government to look again at the potential impact of the draft Order in light of this.

**6. Do you think that there are any alternative options which we could adopt to mitigate any potential for adverse impact?**

The new fee regime in England and Wales included as part of the wider scheme a requirement on institutions wishing to charge more than £6,000 per year to submit an access agreement to the Office for Fair Access (OFFA) for approval, outlining how they will protect fair access to their institution for those from poorer backgrounds, with fee-waivers and bursaries required. However, in Scotland no such framework for fair access exists.

We do not wish to see students choosing their courses on the basis of price rather than quality or academic choice; nor indeed universities choosing students on the basis of differential market prices. We therefore believe that the proposals contained within NUS Scotland's submission in relation to wider access (fee-waivers and bursaries), plus flat-rate fees combined with variable teaching grants, are worthy of greater scrutiny to limit the degree of marketisation should the Scottish Government remains compelled to deregulate fees for RUK domiciled students.

**7. Do you agree with our findings in the EQIA?**

Yes  No

**If not, please indicate the reasons why and, if appropriate, provide us with any further relevant data to support your analysis.**

We disagree for the reasons set out in our response to questions 5 and 6.

**8. Any other comments about this consultation?**

We would reiterate that we recognise this situation is not of the Scottish Government's making and we pledge to play a constructive role in devising an equitable and sustainable solution to the problem. We welcomed and indeed supported the Scottish Government when it abolished the Graduate Endowment Fee. We hope that in the same manner we will be able to welcome and support the measures taken by the Scottish Government when it announces the outcome of this consultation on the draft Order.