Introduction

The University of Strathclyde Students' Association (USSA) represents over 21,000 student members, both undergraduate and postgraduate, from a wide variety of backgrounds across Glasgow and beyond. We have a proud history of campaigning on behalf of all students whatever their situation, and believe in the power of education to transform lives.

We welcome the Government's Post-16 Education (Scotland) Bill, and broadly agree with its aims.

However, we are concerned in particular with the lack of future-proofing within the Bill, and are worried that in its current form, some elements of the Bill will fall into disuse. We go into these areas in more detail below.

As we are a university Students' Association, we restrict our comments to the areas most relevant to our members, i.e., those under the headings Terms and conditions of higher education funding (Sections 2-4) and Review of further and higher education (Section 14) in the draft legislation.

Higher education institutions: good governance

We welcome the provision set out in section 9A of the Bill, and believe it will ensure that our higher education institutions are appropriately governed.

However, we are concerned that this is phrased as an option, not an obligation on Scottish Ministers, leaving it open for this strong governance requirement to be dropped by subsequent Governments. Should this happen, this would, we believe, be detrimental to higher education institutions, and therefore we recommend that the word 'may' is replaced with the word 'must' in section 9A.

Widening access to higher education

We welcome the Bill's section on widening access, and strongly urge the committee to grasp this opportunity to ensure that all higher education institutions take on their responsibilities to widen access and put sufficient resources and expertise behind such work.
We particularly support the provision in the Bill for statutory Widening Access Agreements (WAAs), and the link of these WAAs to the receipt of public funds. We believe that this will ensure there is strong widening access work across Scotland.

However, we are concerned that some institutions will avoid ambitious targets, particularly with the possibility of funding being conditional on compliance with WAAs. Therefore, we recommend that the Bill includes an expectation on higher education institutions to be ambitious in their target setting when forming their WAAs.

Linked to this, we believe the Bill should place a duty for Scottish Ministers to annually present to members a review of the impact that WAAs are having, and how institutions are fulfilling their responsibilities in this regard. Doing so will help ensure that widening access work is properly scrutinised.

Furthermore, again as in Section 2 of this document, we are concerned by the use of ‘may’ in section 9B(2) of the Bill. Whilst we understand the need for legislation to be flexible in order to meet the needs of future Governments, the use of ‘must’ in place of ‘may’ in section 9B(2) would ensure that WAAs become a permanent feature of receiving funding from the Scottish Funding Council (SFC), without dictating the content of those WAAs.

We also suggest that the committee uses this opportunity to consider and clearly lay out provision for appropriate sanctions in relation to higher education institutions complying with WAAs, i.e., what happens to institutions’ funding if they fail to comply with a WAA as in section 9B(2).

Finally, alongside NUS Scotland, we would like to see increased power for the SFC, allowing it to act independently on issues of access to higher education institutions. This would ensure that all WAAs are assessed and monitored fairly, and ultimately that fair access to our higher education institutions is safeguarded and promoted for all.

Fee cap: students liable for higher education fees

USSA has a stance of ‘no fees’ in relation to higher education, and so we do not support the implementation of fees for students from the rest of the UK (RUK).

Given this position, but acknowledging the reality of RUK fees, we would like to see the legislation reflect a lower fee cap for RUK students than is currently proposed. In particular, we recommend that in section 9c(3)(b), the word ‘total’ is inserted before the word ‘amount’ in the first line; that the phrase ‘in any particular academic year’ is removed; and that the phrase ‘that year’ is replaced by ‘those years’. This would prevent Scottish institutions from providing the most expensive undergraduate degrees in the UK (as is currently the case).

Furthermore, we support NUS Scotland’s call for the removal of variability of fees between institutions and across courses, as we believe that variable fees lead to the
unnecessary marketisation of higher education, with applicants applying for degree courses based on cost, not suitability.

Finally, as we have previously suggested in conversations with MSPs, we would like to see this Bill legislate for a defined proportion of RUK fees to be ring-fenced for widening access/ bursary support for RUK students, in order that they too benefit from widening access as a result of this Bill.

**Review of further and higher education**

We are concerned that section 14 of the proposed legislation emphasises efficiency, increased collaboration and the economical use of funds to the extent that it does, as this section could be both perceived as and used as a way to cut provision. However, we recognise that this power of review as it stands in the proposed legislation could also be used to protect local provision and prevent courses from being cut by further and higher education institutions. We therefore cautiously welcome section 14 of the Bill, as long as measures are put in place to ensure that communities affected by any review are properly consulted.