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Background

1. Following the change in our remit as a Mandatory Committee on 29 September 2016, to include responsibility for both equalities and human rights, we have taken a decision to take opportunities in our work programme to promote and reinforce equalities and human rights wherever possible.
2. With this in mind, we took the decision to use our 2017-18 pre-budget scrutiny to examine how the university sector in Scotland is complying with its duties to disabled people and British Sign Language (BSL) users in terms of eliminating inequality and discrimination when applying to study at, or attending and graduating from, university.
3. We are also mindful of the importance a person's university experience has, not just in term of academic study and skills development, but also the wider social, cultural and emotional experience university can offer. This can be especially true for young people in terms of developing their sense of personal identity, physical and mental wellbeing and self-confidence.
4. This being the case, the elimination of inequality and prejudice in terms of disabled people and BSL users attending university in Scotland must include all aspects of university life. Indeed, all of the protected characteristics covered by the Equality Act 2010 needs to be central to public policy in this area. Such policy should, as far as practicably and economically possible, take the full landscape of university life into account.
5. Allied to this is the responsibility of the Scottish Government to ensure that public expenditure in Scotland underpins the delivery of services based on a right-based approach. The development by the Scottish Government of the Equality Budget Statement has been a welcome step toward achieving this ambition.
6. The Equality Budget Statement should encourage public spending in Scotland that delivers a level playing field for disabled people and BSL users. It can also play a role in supporting the preventative spending agenda by increasing the opportunities for disabled people and BSL users to have a productive and rewarding working life which, in turn, reduces the likelihood of their economic dependence on public funding. It may also reduce the risk of potential future compensation settlements to groups such as disabled people and BSL users for the impact of the failure of public authorities to deliver their statutory rights.

Context

7. There are 19 higher education institutions (HEIs) in Scotland: 16 universities,¹ and three specialist HEIs: the Glasgow School of Art; the Royal Conservatoire of Scotland; and the SRUC – Scotland's Rural College.² While these institutions are independent of government, they receive over £1 billion in public funding from the Scottish Funding Council (SFC) to deliver teaching and research.³

8. Our examination of disabled people and BSL users applying to and attending Scottish universities⁴ is predicated on the statutory duties which apply to universities through the provisions in—
 - The Equality Act 2010;
 - The Post-16 Education (Scotland) Act 2013
 - The British Sign Language (Scotland) Act 2015;
 - The Public Sector Equality Duty.
9. In the last few years the Scottish Government has set out an ambitious reform agenda for the delivery of equality across Scottish society. This has included improving the life chances of disabled people through the implementation of the UN Convention on the Rights of People with Disabilities (UNCRPD), most recently through the Fairer Scotland Strategy and the 2016-2020 Disability Action Delivery Plan for the UNCRPD.
10. In relation to its outcomes for education and paid employment, the Scottish Government states in its delivery plan⁵ that its key objectives “are to see a Scotland where there are—
 - Equal opportunities for disabled people within education and paid employment;
 - Greater awareness and understanding amongst employers and educators of disabling barriers;
- Benefits that meet the additional living and mobility costs for people with an impairment, disability or illness.”
11. It goes on to state that the “Scottish Government wants disabled people to have the same opportunities as everyone else in education and employment. This means the opportunity to learn and train, to take up further and higher education if they choose, to get a job in the profession of their choice, to feel valued at work and to have an appropriate income”.^{6,7}
12. **We welcome this objective and seek to assist in making this a reality by setting out our conclusions and recommendations in relation to disabled people and BSL users applying to, and studying at universities. For our part, as a parliamentary committee, we shall seek to use our work programme to further the achievement of a fairer and more just Scotland for all its people.**

Evidence taking

13. We began by launching a call for public for evidence⁸ on 17 October 2016, looking to hear about the experience of disabled people and BSL users in applying to, and studying at, Scottish universities. We also published our call for evidence in BSL⁹ and audio file format¹⁰. We also wrote to all Heads of Admissions¹¹ and

Disabilities Services¹² at all 19 Scottish HEIs seeking their response to a number of specific questions.

14. We received 65 submissions from individuals, universities and other organisations in response to our call for evidence.¹³
15. We held four oral evidence taking sessions with witnesses between 24 November and 15 December 2016. All sessions were broadcast in both English and BSL and the written Official Report¹⁴ and BSL video recordings¹⁵ of these sessions are available online. We took oral evidence from—
 - On 24 November 2016, Russell Gunson, Member of the Commission on Widening Access and Director of IPPR Scotland, and Lynn Graham, Head of the Secretariat to the Commission on Widening Access;
 - On 1 December 2016, Mark McMillan, Employability Advisor, Deaf Action; Dr. Iain Hutchison, Board Member, Disability History Scotland; Professor Graham Turner, Director, Centre for Translation and Interpreting Studies in Scotland, Heriot-Watt University; Lauren McDougall, Students with Disabilities Officer, Glasgow University Students' Representative Council; Rebecca Scarlett, Senior Policy and Information Officer, LEAD Scotland; Christopher Wilde, Widening Access and Participation Officer, St Andrew's University Student Association;
 - On 8 December 2016, Dr Jane Balmforth, Conservatoire Counsellor and Disability Adviser, Royal Conservatoire of Scotland; Carol Baverstock, Head of Admissions, University of Aberdeen; Sheila Williams, Director of Student Disability Services, University of Edinburgh; Ann Duncan, Disability Service Manager, University of Strathclyde; Kirsty Knox, Assistant Head, Recruitment, Admissions and Participation Service, University of the West of Scotland;
 - On 15 December 2016, Dr John Kemp, Interim Chief Executive, and Fiona Burns, Assistant Director Access and Outcome Agreement Manager, Scottish Funding Council; Angela Constance MSP, Cabinet Secretary for Communities, Social Security and Equalities, Shirley-Anne Somerville MSP, Minister for Further Education, Higher Education and Science, Lesley Irving, Head of Equality Policy, and Leia Fitzgerald, Policy Manager, Higher Education Division, Scottish Government.
16. We wish to thank all of those who gave their time to provide us with both written and oral evidence. We are especially thankful to those individuals who shared their personal experiences and stories with us. These personal stories were at the forefront of our minds as we took evidence from officials from universities, the Scottish Government and other key organisations. We hope the recommendations we make in this report will go some way towards providing a fairer opportunity for any disabled person or BSL user to participate both in the academic and wider social and cultural experiences offered through Scottish universities.

CONCLUSIONS AND RECOMMENDATIONS

17. The written and oral evidence we have received during this inquiry are available online^{16,17}. We do not intent to narrate in detail the evidence received. Rather we wish to focus on our conclusions and recommendations in relation to what we have learned from our pre-budget scrutiny.

Integrated approach

18. An overarching theme to emerge from the evidence we have received is the need to ensure an integrated approach to the development and implementation of equalities policies in terms of the widening access to higher education.
19. This fact was recognised during the work undertaken the Commission on Widening Access, which reported in March 2016. In his evidence Russell Gunson, who served as a member of the Commission, acknowledged that while the principal focus of the widening access agenda has been around addressing issues of socio-economic deprivation, there is also a need to address the barriers to university facing other groups.¹⁸
20. Much of the written and oral evidence we received from individuals, as well as from those representing students, disabled people and BSL users, highlights a variety of good work and policy to tackle inequality and prejudice that exists across the whole education setting, including in schools, colleges and universities.
21. However, it is clear to us that many of the problems and inequalities which have been highlighted to us, and have had negative impacts for the people experiencing them, often arise from sector-wide systemic problems. These include things like—
- the attitudes and level of training of academic staff;
 - variations in policy both between and within individual universities;
 - issues of attainment and transition from secondary to post-16 (tertiary) education; and
 - resource and facility issues relating to the physical environment and access to services.
22. Many of those who took part in our inquiry recognised that such wide scale issues take time and coordination to address. Indeed we found that there is a good deal of understanding across the wider educational sector of the problems which need to be addressed. One of the key challenges is to coordinate and focus all of these efforts in a way which will provide the most effective remedy in a reasonable timescale.

23. One of the key recommendations of the Commission on Widening Access is the appointment of a Fair Access Commissioner by the Scottish Government to oversee the development and promotion of best practise and coordinate the efforts of various key stakeholders in widening access to education. Witnesses from the Commission, universities and the Scottish Funding Council all acknowledged the important role the Commissioner would play in helping to deliver equality across the university sector.
24. On 16 December 2016, the Scottish Government announced that Professor Peter Scott had accepted the position of Scotland first Commissioner for Fair Access to Higher Education in Scotland ("Fair Access Commissioner").¹⁹ **We welcome the appointment of Professor Scott and wish him well in his new role. We look forward to working with Professor Scott on the recommendations we make in this report and, more widely, to deliver true equality for all of Scottish society in terms of education.**
25. We acknowledge that delivering changes in a policy area such as widening access to university, coupled with providing the funding and resource to deliver such change, takes time. Witnesses acknowledged this fact in their evidence to us.

26. **In light of this, we recommend the Scottish Government and Scottish Funding Council, and the wider Scottish education sector, should take active steps to develop a more integrated approach to progress the widening access agenda in terms of eliminating inequalities and tackling prejudice. This applies not just for those from a socio-economically disadvantaged background, but across all the protected characteristics, including those facing disabled people and BSL users.**

27. **Such an approach should include addressing attainment gaps at second level education as well as developing and promoting pathways to third level education, especially to studying at universities. Such an integrated approach should aim to be delivered over the five-year life of the current Parliament, (Session 5 budget cycle Financial Year 2017/18 to Financial Year 2021/22).**

28. Another recurring theme from our inquiry has been the need to identify resources to tackle prejudice and to support and deliver equality, recognising the importance of this effort to providing pathways to paid employment for disabled people and BSL users. From a budgetary perspective, this is central to two key government objectives, namely preventative spending and delivery of the National Performance Framework.

29. Parliamentary scrutiny of the public expenditure levels for higher education is properly the responsibility of the Education and Skills Committee. Therefore, we do not seek to comment on the overall level of public money provided to universities in Scotland. However, given the level of funding provided to Scottish universities by the Scottish Government. **We believe clearer identification is needed of the level of funding which tackles inequality and supports initiatives to address the issues we have identified in this report. The Scottish Government and universities should work to more clearly identify what levels of public spending are assigned to support equalities in future budget allocations to universities.**
30. While there are many financial, legal, cultural and social challenges facing both the university and wider educational sector in 2017, whether it be around the uncertainties caused by the UK's decision to leave the European Union, or the impact of the global recession and the resultant squeeze on public spending, we are of the view that the 2017-18 budget cycle provides a unique opportunity to build a consensus around a rights-based programme of delivery across the Scottish higher education system.
31. Such challenging times can also present opportunities to get key stakeholders to focus on priorities in a concerted and organised way, putting aside vested interests to ensure the need to delivery on an overriding priority or objective. By taking this opportunity and embedding a right-based equalities approach into the systems we design to respond to challenges such as Brexit, meaningful change can be delivered at a faster pace.

32. We recommend that the next round of 3-year Outcome Agreements between the Scottish Funding Council and universities (2017-2020) should provide a platform for developing and implementing a more integrated programme of policy initiatives to ensure the proper mainstreaming of equalities across the entire university sector. Future budget expenditure delivered through the SFC should be aligned to support and deliver such a programme.

33. This work should also be more clearly aligned with the National Performance Framework. This would allow a focus on linking the delivery of equalities and rights-based policies to the practical economic and social needs of Scotland, especially in moving the economy to a stronger position to deal with the implications of continuing pressure on public spending, or the yet to be identified economic legal and social challenges of Brexit.

Culture change

34. While public and cultural attitudes, the media and key leaders and opinion formers in society all have an important role to play in shaping and driving social change, it is still the case that the law must play a central role in both embedding change where it has taken hold, and in driving and compelling change where it had not. From the post-World War II human rights legislation, such as the European Convention on Human Rights, to the equality legislation introduced in the UK since the 1970s, the law has always played a central role in protecting the rights of particular groups.
35. Apart from the obvious social implications, failure to comply with the law can have real financial implications for the state, and for publicly funded institutions such as universities. A clear example of this is the experience of the Scottish public sector in relation to equal pay compensation for discrimination suffered by female employees as a result of having less favourable rates of pay and terms of employment over their male counterparts. This occurred despite the UK having equal pay and anti-discrimination laws in place since the 1970s.²⁰
36. Various courts at Scottish, UK and international level have found that the state and its public institutions, such as local authorities etc., had failed in their duty to protect the statutory rights of their employees in terms of pay and conditions, and indeed discriminated against them based on their gender. This has resulted in hundreds of millions of pounds requiring to be paid in compensation to redress these failures.
37. In our view it is vital a clearer understanding is established of the statutory duties of the Scottish Government, the Scottish Funding Council, universities and the wider education sector across Scotland to deliver on equalities through the Public Sector Equality Duty, the Equalities Act and Scotland's international obligations. This must be central to the development of integrated equality delivery, and it is vital in addressing culture change across the education sector. Such an approach can also serve to minimise the possibility of future litigation by disabled people and BSL users for failure of universities to protect and meet their statutory rights. This, in turn, can support the preventative spending agenda.

38. We recommend that a more coherent and transparent link be made between HEIs equality commitments and their Outcome Agreements with the Scottish Funding Council. In reflecting equality commitments in Outcome Agreements, universities should seek to more clearly link the delivery of right-based equality policies to the Scottish Government's preventative spending agenda by seeking to remove barriers which prevent disabled people, BSL users and others with protected characteristics from achieving paid employment. Such action could also serve to mitigate the chances of future penalties for present failures, such as future compensation payments by

universities to individuals whose statutory rights they did not met in terms of equal treatment and discrimination.

Continuous Professional Development

39. The appointment of Professor Peter Scott as Commissioner for Fair Access to Higher Education in Scotland is a very welcome development, and the importance of Professor Scott's role has been recognised by many of the witnesses we heard from.
40. However, we are also aware that Professor Scott, and his staff, however well resources and well intentioned, cannot deliver on their own the changes required to address many of the inequalities our inquiry has highlighted. Key stakeholders such as Scottish Government, the Scottish Funding Council, universities, UCAS, the Student Awards Agency for Scotland, Scottish educational authorities and teaching/academic staff must guard against the understandable impulse to see making progress on tackling inequality and unfairness as now primarily being the 'job of the Commissioner'.
41. We are of the view that one of the greatest challenges facing the new Commissioner is the continuing need to get everyone involved across the entire Scottish educational sector to both understand their role in, and take personal ownership of, the need to deliver equality and fairness for all. On the face of it this may seem like a basic requirement in 21st century Scotland. However, from the submissions we have received in response to our call for evidence, it is clear how insensitive or inappropriate behaviour by university authorities or staff, however unintentional, can have serious implications for both the academic achievement and the physical and mental health and wellbeing of students.
42. From the evidence we have taken it is clear that social attitudes are changing. Nevertheless, there is still strong tendencies and attitudes by some in the academic world who view the need to make necessary changes or adjustments for disabled people or BSL users, or to be aware of the need to understand the challenges they face, as primarily the job of 'specialist' university staff, such as disability support officers, admissions officer, student associations etc.

43. **While many universities offer staff training on equalities, human rights and the statutory duties applying to them as part of continuous professional development, much of this seems to be on a voluntary basis. We are of the view that the Scottish Government and universities must now work to move from a voluntary to a mandatory position on rights-based equalities training as part of academic-wide continuous professional development, and set out a realistic timetable for this work.**

- 44. We also recommend the remit, staffing and budget support of the Fair Access Commissioner should reflect this work and be tailored to allow the Commissioner to play a key co-ordinating role across higher education in promoting understanding of a statutory rights-based approach, helping to implement change and monitoring outcomes.**

Admissions and student support

45. As part of our inquiry, numerous issues arose around problems for disabled people and BSL users in the university admissions process, as well as around the transition from second level education to university and the level of support provided to those studying at university.
46. We heard that one of the main challenges for universities is that many disabled applicants do not declare a disability at the time of application, instead waiting until they have been offered and accepted a place, or perhaps even started their course, before informing university authorities that they need support.
47. The reasons for this situation may be various and complex, however, there is clearly a need for more work to be done with second level education, UCAS and other key bodies to better understand the reasons for this situation and to find a way to mitigate it.
48. Another issue raised with us centred around the applications process and the use of the personal statement within university applications. As with applicants from less advantaged socio-economic backgrounds, several witnesses raised the issue of the difficulty presented to disabled applicants who may not be in a position to have undertaken the kind of additional academic work, or relevant extra-curricular activity, which would allow them to submit a more enhanced personal statement with their university application.
49. In a situation where a decision by a university to offer a place to a non-disabled candidate over a disabled candidate, where academically both are on a par, and rely on a personal statement to make a decision, the issue how, or whether, a university takes the context of such situations into account was a recurring theme. This point is also relevant to the evidence we took in terms of the feedback individual universities may provide to unsuccessful applicants as to why their applications was unsuccessful, and whether they can take any corrective actions to address the reasons for this.
50. We also noted the important issue of feedback in this, and other situations, where there is a question around both the level of feedback a university provides to an unsuccessful applicant, and whether a university seek feedback from applicants about their experience of the applications process.
51. We recognise that UCAS plays a central role in the applications process and the methods by which disabled people and BSL users make university applications.

However, much more work needs to be done to improve the overall transparency of the entire applications process and give applicants confidence in the fairness of the system. The Scottish Funding Council recognised these issues in terms of the approach taken by various universities to contextualised applications and personal statements. Accepting the need for further work in this area, Fiona Burns of the Scottish Funding Council told us—

” “The commission on widening access recommended that we take forward a full review of what it called non-academic factors...there was an expert group on admissions, involving admissions staff—and of the variance, as John Kemp said, in how the personal statement element was being used. I am also aware, from the student perspective, of how much time and effort can go into trying to provide a good personal statement. If all that effort is being put in, it is important that the statements are considered equally across all our institutions.”²¹

52. Several witnesses raised the issue of the difficulties in the UCAS application system for universities in terms of its flexibility and adaptability to specific needs (such as supporting the communication needs of BSL users). Again, this is an area which gives us pause for thought in terms of ensuring that the state meets its duties to uphold the rights of individuals, and whether such a situation could lead to a position in future where compensation is sought after judicial ruling on such issues.
53. The multi sector/multi governmental nature of the support system for disabled people and BSL users is another pressing area where closer coordination between different agencies could remove several impediments. For example, the need for disabled people to be able to continue to access their benefits/social care package when they transition from school to university is very important. We heard evidence about the difficulties faced by disabled people in terms of how the operation of the Disabled Student Allowance interfaces with support like the Disabled Housing Allowance. Failure to address problems in such overlapping areas of support competencies is resulting in difficulties for disabled students.
54. Student representative groups told us about difficulties around the applications process for the Disabled Students Allowance and the need to ensure that applications are received before the start of the university semester.²² Witnesses also highlighted their view that a grants-based system of student support for disabled students would be more beneficial than the current student loans model.²³

55. Greater transparency is required across the entire university applications process in order to ensure fairness and provide confidence. This is of critical importance for disabled applicants, but also for all those seeking to apply to attend a Scottish university. We recommend the Scottish Funding Council take the opportunity of the review of the applications system recommended by the Commission

on Widening Access to address issues around inconsistency of approach and lack of transparency by universities.

56. We recommend that all Scottish universities adopt a common approach to providing detailed feedback to unsuccessful disabled and BSL applicants. Admissions feedback should also be mindful of the de-motivational (and potentially damaging) impact the detail, tone and delivery of feedback may have on the confidence and wellbeing of disabled applicants, especially if applicants have already had to overcome major societal barriers to reach a point of applying to a university to begin with. Again, this approach should be explored in relation to all applicants and be centred on providing positive feedback in terms of explaining the reasons for an unsuccessful application.

57. We recommend the Scottish Government's Review of Student Support²⁴ that is due to report in autumn 2017 must examine the issues highlighted in evidence to us around the Disabled Student Allowance, support with the costs of housing for disabled students, and the provision of a grants-based system of student support in place of the current student loans model. The Review must also consider the issue of transition for disabled students from secondary to university level education.

58. The Scottish Government, UCAS and Scottish universities must ensure the university applications process complies with statutory equality duties to make reasonable adjustments e.g. allowing applicants to make applications in the most appropriate medium. For example, offering the option to submit applications in BSL video or spoken form where appropriate.

59. Universities are increasingly taking a "contextualised" approach to applications from under-represented groups, recognising the wider achievement and potential of non-traditional applicants. This approach should be extended to disabled people and BSL users applying to study at Scottish universities.

BSL Users and the British Sign Language (Scotland) Act 2015

60. The enactment of the British Sign Language (Scotland) Act 2015 proved a major step forward by placing the promote of BSL as a minority language used by deaf and deafblind people in Scotland on a statutory footing. Amongst other measures the Act requires to the Scottish Ministers to prepare regular BSL National Plans for Scotland. All universities in Scotland are 'listed authorities' for the purposes of the Act and are required to publish a BSL Plan.

61. The first BSL National Plan for Scotland is intended to run from 2017 to 2023. The aims of the first National BSL Plan are to—

” “...make Scotland the best place in the world for people whose first or preferred language is BSL to live, work and visit. This means that Deaf and Deafblind BSL users will be fully involved in daily and public life in Scotland, as active, healthy citizens and will be able to make informed choices about every aspect of their lives.”²⁵

62. On its ambition for post-school education, the National Plan goes on to states—

” “People whose first or preferred language is BSL will be able to maximise their potential at school, will be supported to transition to post-school education if they wish to do so and will receive the support they need to do well in their chosen subject(s). People whose first or preferred language is BSL can access lifelong learning opportunities, including community education.”²⁶

63. We welcomed the written and oral evidence BSL groups and witnesses provided to us in terms of the BSL users experience of the Scottish University system. Many in Scotland's BSL community have acknowledged that change and adaption by the public sector takes time and resources.

64. However, by enacting the British Sign Language (Scotland) Act 2015 the Scottish Parliament has sent a clear signal about the importance of recognising Scotland's BSL community and British Sign Language as a minority language in Scotland. Therefore, it is important that the opportunity afforded by the evolving widening access agenda, the appointment of the Fair Access Commissioner and the upcoming three-year cycle of university Outcome Agreements is used as a platform to progress work on BSL across the university sector.

65. We were disappointed that several of the universities we took evidence from admitted they did not yet provide basic information in BSL format on their websites. We recognise that gaining access to enough qualified BSL interpreters to fully address all the issues which have been raised in evidence, such as the isolation of BSL users (as well as other disabled students) from the wider, but equally important, social and cultural life of university, will always be a challenge.

66. However, we are more than a little surprised that in 2017 there should be any university in Scotland that does not provide even basic information online in an easily accessible format for BSL users.

67. We recommend the Scottish Funding Council and the Fair Access Commissioner oversee the coordination of a sector-wide strategy to ensure universities meet their requirements under the British Sign Language (Scotland) Act. This should be reflected in the 2017-2020 Outcome Agreement cycle.

68. As a minimum, all universities in Scotland should have clearly accessible video information about their institutions, academic courses, student life and support facilities in British Sign Language on their websites/social media platforms etc., by no later than the start of academic year 2019/20.

Duty of care, health and wellbeing issues

69. A number of issues around the duty of care, specifically around the mental and physical wellbeing of students, were raised in evidence. Some of the issues raised are of deep concern to us. While the context of this inquiry is specifically the experience of disabled people and BSL users at Scottish universities, many of these issues apply equally to all students.
70. Applying to, and studying at, university can be an anxious and stressful period in any person's life, especially for young people who may be leaving the security of their home environment for the first time. Such stresses can be exacerbated by the additional obstacles disabled people and BSL users may face. Given this, a university's first duty must be to the physical, mental and emotional care and wellbeing of the student body.
71. We were concerned to note the lack of any coherent information across the Scottish university sector in relation to understanding any correlation to the stress and anxieties faced by disabled people and BSL users studying at Scottish universities, the levels of retention and rates of completion of courses, and instances of mental ill-health, self-harm and/or suicide.
72. It is clear from the evidence received that universities have made large strides in supporting students with certain conditions, such as dyslexia. However, we were struck by data showing the range and complexity of conditions experienced by disabled students, and especially those with two or more conditions, who only account for 1% of the entire university student population—

Table 1: Student numbers by disability and disability type recorded, 2014-15

Disability	Number
Student population	232,570
- Students declaring a disability	23,220
- No known disability	209,230
Type of disability recorded	
Blind or a serious visual impairment uncorrected by glasses	345
Deaf or a serious hearing impairment	550
A physical impairment or mobility issues, such as difficulty using arms or using a wheelchair or crutches	765
Personal care support	0
A mental health condition, such as depression, schizophrenia or anxiety disorder	3,565
A long standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease, or epilepsy	2,650
Two or more impairments and/or disabling medical conditions	2,445
A social/communication impairment such as Asperger's syndrome/other autistic spectrum disorder	680
A specific learning difficulty such as dyslexia, dyspraxia or AD(H)D	9,720
A disability, impairment or medical condition that is not listed above	2,610
Total	23,330

Source: [Higher Education Students and Qualifiers at Scottish Institutions 2014-15](#) – extract from Table 24a

73. Witnesses also noted the difficulties in making the transition from school to university for disabled students with high level or multiple support needs. Such students may have dedicated care and support packages provided in their home areas to support them at home and at school. However, the physical locality of this support may greatly limit the options of which university they can attend without disruption or potential loss of social care and support.
74. Concern was also expressed around the interface with local GP or other healthcare services for disabled students from their home area if they move to a university located outside their own local council area, or especially health board area. We were told that often local GP/health support will no longer treat such students as patients as they may have moved to another part of the country to study. Equally, local university health facilities do not regularly have access to the detailed medical records about the care or support needs of such students. This can lead to vulnerable students falling between various stools and, perhaps place them in an even more vulnerable position in terms of their physical and mental wellbeing.

75. The approach to admissions taken by individual universities must take account of the needs of certain disabled applicants to remain within an established geographical area because of the nature of their care support requirements, thereby limiting the number of universities they may reasonably be able to apply to or attend. Such considerations should be given weighting in the admissions process for such disabled students.

76. The provisions we suggest for increased data collection amongst the Scottish university sector must specifically include work on identifying and understanding any correlations between the stress and anxiety experienced by disabled students/students who are BSL users and levels of mental ill-health, self-harm or suicide. More focus also needs to be applied to developing early alert systems to identify students who are struggling and are at increased risk dropping out of university before completing their course. This is especially necessary for students with additional support needs.

77. The Scottish Government must seek to put in place an integrated mental health support structure between universities, the NHS and individual GPs to ensure continuity of support. Strong consideration should be given to establishing a dedicated funding stream within the overall Scottish Funding Council allocation to universities, or between universities and NHS Scotland to assess and deliver this work.

78. We recommend a greater focus be given to developing dedicated support structures for students with two or more impairments, in order to provide more opportunity for them to study at university, and take full advantage of the benefits of university life. Such systems must seek to maintain the levels of support provided to students in secondary education. It is also vital that Scottish universities learn from best practice of other higher education institutions where they have been successful in creating a supportive environment to attract disabled students, for example, the work done by the University of Central Lancashire, based at Preston, in attracting BSL students.

79. We recommend the development of an integrated equalities data collection system to make specific provision for assessing the true impact of mental health issues on retention and completion rates for disabled people and BSL users, as well as a full assessment of level of self-harm and suicide amongst such students.

Data collection

80. Universities, by their very nature, are required to interact with almost all areas of modern Scottish society. Understandably, different institutions will have different approaches to what sort of information they record, and how they hold and analyse that information. Such structures and methods will, in part, be based on the type of academic courses offered by a university, the structures of various academic departments and schools, the size and location of facilities and the governance structures of each institution. Data collection and usage will also be regulated by statutory provisions, such as the Data Protection Act 1998 etc.
81. As is the case in many other areas of society however, the collection and analysis of key data is vital to the successful development and implementation of good policy, as well as to accurate assessment of its success in achieving the desired outcomes.
82. During our inquiry we noted a 2004 study conducted by the University of Edinburgh of disabled students in higher education. We are struck by the fact that study highlighted many issues which we have seen recurring in the evidence we have received as part of this inquiry. Disabled students in 2017 face many of the same problems, challenges, prejudices and inequalities as those who took part in the 2004 study.
83. From our examination of the evidence received, it appears to us that one of the potential reasons of this lack of progress is the current structural weaknesses in the level, scope and quality of equality data collected by all universities in Scotland. Such data should serve to underpin the approach to achieving equalities outcomes across the university sector. In some cases, this weakness is as a result of poor levels of interconnection with other vital sectors, such as secondary schools, colleges, education authorities, health and social care services etc. This failure also compounds the problems caused by failing to learn from previous experience and sharing best practice in tackling inequalities across the university sector.
84. The lack of a consistent nationwide dataset on key equalities outcomes across universities poses a fundamental challenge to both the university sector and Scottish Government in the delivery of equality and measures to tackle prejudice. For example, weaknesses in available data were acknowledged by the Scottish Funding Council in terms of the inability to fully explain and understand issues such as the low attainment rate for students with additional support needs at

secondary level and the subsequent underrepresentation of these pupils within the university setting.²⁷

85. It may be the case that weaknesses in data collection and analysis may have implications for the development of public policy on equalities in the university sector, as well as allowing for the adaption of such policies in response to changing circumstances. There may also be impacts in assessing the outcomes achieved and the value for public money obtained for the taxpayer from the public funding provided to universities by the Scottish Government.
86. We are concerned at the lack of necessary data available in key areas, such as equalities data on school attainment and mainstreaming policies for engaging disabled and BSL students to transition from second level education into university. There are also key shortcomings in the level and quality of data collected on the university applications process and on retention and completion rates among disabled people and BSL users studying at university. This is also true for understanding non-academic experiences for example access to social and cultural life at university, duty of care issues, mental health and wellbeing and pathways from universities to employment and secure independent living in society.
87. We acknowledge that collating and analysing such a wide variety of data from across such a wide ranging area is a challenging objective. Nevertheless, at present we cannot see how the Scottish Government and the university sector can hope to achieve the equalities outcomes which have been set [such as seeking to implement the UN Convention on the Rights of People with Disabilities], or to assess the success of equality policy, without a clear picture of what is happening on the ground. Quality data collection and analysis, to a uniform standard across Scotland, is vital to this effort.
88. We recommend the Scottish Government and the university sector commission a detailed equalities survey, to map the strategic gaps in the data landscape in terms of equalities in the university sector. Filling in the gaps in the equalities dataset is essential to ensuring that the correct decisions are made on the equalities outcomes agreed between universities and the Scottish Funding Council, and the spending assigned by Government to deliver such outcomes. We believe the timescale of the current 2017-2020 Outcome Agreement cycle provides an opportunity to undertake such work.

FINAL OBSERVATIONS

89. It is almost universally recognised that universities and ‘academia’ are at the vanguard of social and cultural progress and development in human society. Indeed, the selling point of a ‘progressive lifestyle’ experience to potential students by attending a university which provides a progressive, exciting and life changing environment is a cornerstone of a universities commercial marketing strategy.
90. Given the size, history, complexity and diversity of Scotland’s university community, it is understandable that adaptation and cultural change takes time and effort to deliver. Often the practical reality of universities as learning, working and living environments doesn’t match up to the glossy prospectus image marketed to potential students.
91. Nevertheless, attending a university should be one of the most liberating and life affirming experiences in a person’s life. The value of such an experience is not confined solely to the lecture theatre. Of equal importance is the social and cultural experience of wider university life. Gaining the maximum from this experience should be the aim for all students, including disabled people and BSL users.
92. For this reason, the development of an empathetic cultural attitude amongst Scotland’s university community, and individual academic staff in particular, is vital for the promotion of equality and a rights-based approach. This does not, in our view, mean compromising academic standards. Rather, we see this as an enhancement of a university’s already valued position in Scottish society where students are given every opportunity to achieve their full potential.
93. Universities must be mindful of the potential impact of how they engage and communicate with students, particularly the disproportionately negative impact on the physical and mental health and wellbeing of students if such interactions are not conducted in an appropriate and suitable manner.
94. This is especially important if we are to move away from an institutional tone of ‘accommodating’ disabled people and BSL users rather than championing a rights-based approach. The default position should be to uphold the rights of all students, particularly those who may face discrimination and disadvantage without specific interventions.

95. As a Committee, we were concerned to hear the use of what we consider outdated, inappropriate and judgemental language and terms in relation to the standard administrative procedures of academic institutions. In evidence we heard terms and references such as: “tracking of students”; inviting students to “investigatory meeting” to assess “learning agreements” or reporting to “special circumstances boards” etc.
96. Such language and phrases, whilst maybe thought proper in the context for which they were originally created, seems to us to be more akin to a judgemental narrative from a bygone era rather than the vernacular of a modern progressive academic institution. Universities should, wherever possible, seek to eliminate such unhelpful language in favour of more positive, inclusive and respectful tone.

Follow up action

97. Following the publication of the Finance and Constitution Committee’s overall report to the Parliament on the draft budget 2017/18, of which this report will form an annex, we will write to various key stakeholders seeking action on our findings and recommendations on the issues we have explored in this inquiry.
98. These will include the Scottish Government and Scottish Funding Council, UCAS, the Student Awards Agency for Scotland, the Department of Work and Pensions, the Association of Directors of Education in Scotland, NHS boards and Directors of Social Care. We will also write to the Education and Skills Committee as the lead policy committee for education within the Parliament, to bring this work to their attention.
99. In order to monitor progress on our recommendations we have agreed the following—
 - to seek an annual written update from the Scottish Funding Council on the progress in implementing our recommendations;
 - to undertake a one-off follow up oral evidence session with relevant witnesses on progress on this work. We plan to undertake this session following the summer recess in September 2017, subject to our workload and the demands.

¹ Universities Scotland: <http://www.universities-scotland.ac.uk/member-universities/>

² SPICe Briefing: http://www.parliament.scot/ResearchBriefingsAndFactsheets/S5/SB_16-71_Higher_Education_Institutions-Subject_Profile.pdf

³ The Scottish Funding Council is a non-departmental public body that operates at arms-length from the Scottish Government to finance post-16 learning and teaching in Scotland.

⁴ Throughout this report “universities” is the term used to refer to the 19 HEIs that operate in Scotland.

⁵ <http://www.gov.scot/Resource/0048/00484854.pdf>

⁶ Scottish Government consultation on draft delivery plan for UNCRDP (P32):

<http://www.gov.scot/Resource/0048/00484854.pdf>

⁷ A Fairer Scotland for Disabled People - Our Delivery Plan to 2021 for the United Nations Convention on the Rights of Persons with Disabilities, Page 18 (Scottish Government) 2 December 2016:

<http://www.gov.scot/Publications/2016/12/3778>

⁸ EHRC call for evidence on draft budget 17 October 2016:

http://www.parliament.scot/S5_Equal_Opps/Inquiries/EHRC_draft_budget_2017_18_call_for_evidence_FINAL.pdf

http://www.parliament.scot/S5_Equal_Opps/Inquiries/EHRC_draft_budget_2017_18_call_for_evidence_FINAL.pdf

⁹ BSL Call for Evidence: <https://www.youtube.com/watch?v=OQ0a1EG-zZY>

¹⁰ Audio File Call for Evidence: <https://soundcloud.com/scotparl/how-accessible-is-university-for-disabled-people/s-OjCct>

¹¹ Letter to Members of the Scottish Universities Admissions Practitioners Group (SUAPG), 3 November 2016:

http://www.parliament.scot/S5_Equal_Opps/Inquiries/EHRC_Letter_to_Uni_Admissions_Officers_on_17-18_budget_FINAL.pdf

¹² Letter to Heads of Disability Services of Scottish Universities 3 November 2016:

http://www.parliament.scot/S5_Equal_Opps/Inquiries/EHRC_Letter_to_Uni_Disability_Officers_on_17-18_budget_FINAL.pdf

¹³ Evidence received: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/101691.aspx>

¹⁴ Equalities and Human Rights Committee, Official Report 24 November 2016:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10647>; 1 December 2016:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10672>; 8 December 2016:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10684>; 15 December 2016:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10698>.

¹⁵ Committee meeting 24 November 2016 BSL video:

<https://www.youtube.com/watch?v=MstfRNairYk&index=10&list=PL4l0q4AbG0mkT3YUMNlignKIDbra2vqff>; Committee meeting 1 December 2016 BSL video:

<https://www.youtube.com/watch?v=ixlPkbBNn1M&index=7&list=PL4l0q4AbG0mkT3YUMNlignKIDbra2vqff>; Committee meeting 8 December 2016 BSL video:

<https://www.youtube.com/watch?v=D8UMjyKITxQ&index=3&list=PL4l0q4AbG0mkT3YUMNlignKIDbra2vqff>; Committee meeting

15 December 2016 BSL video: <https://www.youtube.com/watch?v=JPPmz-xEqFQ&index=1&list=PL4l0q4AbG0mkT3YUMNlignKIDbra2vqff>

¹⁶ Written evidence: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/101691.aspx>

¹⁷ Equalities and Human Rights Committee, Official Reports: 24 November 2016:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10647>; 1 December 2016:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10672>; 8 December 2016:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10684>; 15 December 2016:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10698>

¹⁸ Equalities and Human Rights Committee, Official Report, 24 November 2016, Cols 1 – 3:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10647&mode=pdf>

¹⁹ Letter from the Minister for Further Education, Higher Education and Science on appointment of Fair Access Commissioner 16 December 2016:

http://www.parliament.scot/S5_Equal_Opps/General%20Documents/Min_FEHES_to_EHRC_on_Appointment_of_Commissioner_for_Fair_Access.pdf

²⁰ *An overview of local government in Scotland 2016*, pars 19 and 36 to 37, Accounts Commission for Scotland (March 2016): http://www.audit-scotland.gov.uk/uploads/docs/report/2016/nr_160317_local_government_overview.pdf

²¹ Equalities and Human Rights Committee, Official Report 15 December 2016, Cols 5 – 8:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10698&mode=pdf>

²² Equalities and Human Rights Committee, Official Report 1 December 2016, Cols 2 – 3:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10672&mode=pdf>

²³ Equalities and Human Rights Committee, Official Report 24 November 2016, Cols 13 – 16

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10647&mode=pdf>

²⁴ Review of Student Support: <http://news.gov.scot/news/review-of-student-support>

²⁵ BSL National Plan for Scotland: <http://deafsectorpartnership.net/the-national-plan/>

²⁶ BSL National Plan for Scotland, Section 3.

²⁷ Equalities and Human Rights Committee, *Official Report 15 December 2016*, Col 10.

