Skill Scotland: National Bureau for Students with Disabilities promotes opportunities to empower young people and adults with any kind of disability to realise their potential in post-16 education, training and employment across Scotland. Skill Scotland works by providing information and advice to individuals, promoting good practice, and influencing policy in partnership with disabled people.

General comments
At present, students who receive the Disabled Students’ Allowance (DSA) at some point during their course are not liable to pay the Graduate Endowment (GE) Fee. Given that disabled students are more likely to face higher costs than their non-disabled counterparts, such as support and travel costs and additional living costs, exemption from the GE Fee is an essential policy criterion. Should the Bill to abolish the Fee be unsuccessful, we would urge that the exemption for disabled students remains.

Skill Scotland broadly supports the proposals to abolish the Graduate Endowment (GE) Fee for all students in order to make higher education accessible to a wide range of people in Scottish society. However, we would note the following concerns:

(i) Skill Scotland is concerned that the loss of GE revenue could result in decreased investment in the student support budget for future generations of students. Although the financial memorandum states that student grants and allowances will be unaffected, we are concerned that this loss in revenue could make it less likely that such allowances will be significantly increased in the future (aside from annual inflation increases) as there will be less certainty around existing ‘in-year’ budgets.

This is a particular concern for disabled students, as for some students, it is extremely difficult to access higher education without adequate support through DSA. For example, visually impaired students often require specialist software to access learning materials; deaf students may require notetakers and sign language interpreters; students with physical impairments may require adapted computers, etc. For many disabled students, particularly those with complex multiple impairments, the current levels of DSA often do not fully meet their needs.

Although Skill Scotland commends the Scottish Government’s recent decision to increase the level of DSA for non-medical support, we are concerned that the loss in revenue (through ‘in-year budgets’) could make it significantly less likely that other elements of the DSA\(^1\) will be increased in the future.

Recommendation:

\(^1\) The basic allowance and the equipment allowance.
Skill Scotland would ask the Committee to ensure that the support needs of disabled students are given full consideration throughout the passage of the Bill. We are aware that the Scottish Government is currently carrying out a review of DSA, and would recommend that this review takes account of the level of funding available in the HE student support budget if the proposals to abolish the GE Fee are implemented.

(ii) Skill Scotland is also concerned that the loss of GE revenue could lead to under-investment in the university sector. Although the financial memorandum states that university funding will continue to come from existing budgets, Skill Scotland is concerned that premiums such as the Disabled Students Premium (DSP)\(^2\) are less likely to be significantly increased in the future (aside from annual inflation increases) as a result of uncertainty around funding streams. We are also concerned that such uncertainty could also lead to premiums such as the DSP being given less priority than core teaching budgets.

Coupled with the fact that Scottish Higher Education Institutions (HEIs) are unable to raise significant revenue through tuition fees in the same way as institutions in the rest of the UK, Scottish HEIs could be placed at a significant financial disadvantage in comparison. For example, it is likely that Scottish institutions will be unable to deliver the same level of facilities, services and support as their counterparts in other parts of the UK. This is a particular concern for disabled students, who often require greater support to access learning opportunities, including adaptations to teaching materials and physical aspects of buildings, as well as specialist computers, software and materials, for example.

With recent amendments to Part 4 of the Disability Discrimination Act (DDA) (which covers post-16 education providers) and the introduction of the Disability Equality Duty for the public sector, disabled students have never had more rights in post-16 education. The DSP is therefore an essential funding source for HEIs, both to ensure that disabled students receive the support and services they need, and to ensure that universities meet their legal duties under the DDA. Skill Scotland is aware that it is often the case that many universities use this funding to top-up the support some students receive through DSA if the level of DSA is not sufficient to meet their needs. DSP is also used in many cases to cover the costs of ‘reasonable adjustments’ which education providers are legally required to put in place under Part 4 of the Disability Discrimination Act. It is therefore vital that the Scottish Funding Council has the flexibility to increase this premium when necessary to allow for a changing legal context.

Similarly, Skill Scotland is concerned that the loss of revenue in ‘in-year’ budgets could make it more difficult for universities to access additional funding from other sources to meet unexpected pressures. This is a particular concern for disabled students, as Skill Scotland is aware that many HEIs often cannot fully meet the costs of reasonable adjustments through DSP funding and therefore seek funding from other sources. Universities who do not comply with their duties to make reasonable adjustments for disabled students could face legal action if they cannot

\(^2\) The DSP is intended to be used for the additional costs incurred by institutions in providing additional materials and services for disabled students.
reasonably justify their failure to make the adjustment. In addition, the duty to make reasonable adjustments is an anticipatory duty, which means that institutions should anticipate what sort of reasonable adjustments disabled students might need, rather than simply reacting to requests for adjustments. For example, providing course materials in electronic format so that visually impaired students do not need to request adjustments. Skill Scotland is therefore concerned that if DSP funding is not significantly increased, it is more likely that HEIs will be forced to be reactive in their approach towards disabled students, rather than proactive.

**Recommendation:**
Given the uncertainty regarding alternative funding sources if these proposals be adopted, Skill Scotland recommends that the Scottish Government and the Scottish Funding Council consider the possibility of ringfencing DSP (as well as the flexibility to increase the level of the premium when necessary) to ensure that there is a guaranteed source of funding for the support required by disabled students. Not only will this allow disabled students the opportunity to successfully complete their course, but it would also help universities to meet their legal duties to make reasonable adjustments under the DDA.

Skill Scotland welcomes the opportunity to respond to this consultation and would be pleased to assist the Scottish Parliament in any future issues regarding disability and post-16 education.