

# **Child Rights and Wellbeing Impact Assessment (CRWIA) for applying a relevant date restriction to student support eligibility criteria for Ukrainian nationals resettled in the UK**

December 2023

## 1. Brief Summary

To align the eligibility criteria for Ukrainian nationals wishing to undertake an eligible course of Further or Higher Education in Scotland with the general rules on relevant connection to Scotland whereby the individual must be ordinarily resident in Scotland on the relevant date.

This contributes to the following national outcomes:

- We are well educated, skilled and able to contribute to society
- We respect, protect and fulfil human rights and live free from discrimination

Currently the rules stipulate that the individual requires to be ordinarily resident in Scotland at the point of their funding application. This change in policy will remove the temporary measure in relation to ordinary residence that was put in place in recognition of the fluid nature of the early days of the Russian invasion and align the provision for Ukrainian nationals with the standard residency criteria.

### Relevant Date

In assessing eligibility for home fee status and student support, the Education Fees (Scotland) Regulations 2022 and the Student Support (Scotland) Regulations 2022 (collectively, “the 2022 Regulations”) provide that the assessment is to be undertaken on the ‘relevant date’. This has sometimes been referred to as being ‘the first day of the first academic year of the course’. The 2022 Regulations allow for 4 different relevant dates depending on the point in the year the course commences.

The relevant date in relation to a course is, for a course starting in the period:

1 August to 31 December – 1 August

1 January to 31 March – 1 January

1 April to 30 June – 1 April; and

1 July to 31 July – 1 July.

### Support for Ukrainian nationals

In April 2022, the Scottish Government announced support for Ukrainian nationals fleeing the Russian invasion to Scotland who wished to undertake a course of study in FE/ HE from 2022/23 AY.

When this category was originally introduced into the 2022 Regulations, it was felt necessary to allow for the fact that there was a large number of Ukrainian nationals and their family members fleeing Ukraine at the start of Russian invasion and that they would be continually arriving in the UK throughout this period. The relaxing of this provision was to allow Ukrainian nationals and their family members whose study had been interrupted to start courses in Scotland even if they had arrived after the relevant date for the particular course. This change was considered as a temporary measure to ensure as little disruption as possible to the lives of Ukrainian

nationals and their family members and to make allowance for the fluid nature of the situation.

Although the invasion is ongoing, there does appear to be a steady reduction in the numbers of Ukrainians who are coming to the UK under the specific home office schemes and therefore to ensure a consistency of approach across the 2022 Regulations, we are now proposing to remove this temporary allowance.

Start date of relevant proposal: August 2023

Start date of CRWIA process: April 2023

2. Which aspects of the relevant proposal currently affects or will affect children and young people up to the age of 18?

All – the alignment of eligibility to the relevant date will impact all students eligible under this policy.

3. Which groups of children and young people are currently or will be affected by the relevant proposal?

- Ukrainian nationals and their family members (under the age of 18 years) who have fled or are fleeing the Russian invasion;
- Who have arrived or will arrive in the UK under one of the designated Home Office schemes; and
- Wish to undertake a course of study in Scotland in Further/ Higher Education from 2023/24 AY onwards.

### Declaration

4. Is a Stage 2 Children’s Rights and Wellbeing Impact Assessment required? (Tick relevant requirement) (Guidance Section 2.1)

CRWIA required  No explanation required, please complete questions 5 and 6

CRWIA not required  Please explain why below and contact the children’s rights unit to discuss this decision [crwia@gov.scot](mailto:crwia@gov.scot)

## 5. Sign & Date

Policy Lead Signature & Date of Sign Off:

Nicola Nisbet 28/04/2023

CRWIA author, if different from policy lead, Signature & Date of Sign Off: as above

Deputy Director Signature & Date of Sign Off: Catherine Topley 25/05/2023

Date SGLD contacted: 03/05/2023

## 6. Preparation Phase if undertaking a CRWIA

Evidence / Stakeholder Engagement / Research:

Data is not yet available on the number of Ukrainian nationals who have undertaken courses of study in FE/ HE in 2022/23 AY as the AY has not yet concluded and relevant statistical publications released.

Information on the number of Ukrainian nationals who have entered the UK under one of the designated Home Office scheme is provided by the Home Office:

[Statistics on Ukrainians in the UK - GOV.UK \(www.gov.uk\)](https://www.gov.uk/statistics-on-ukrainians-in-the-uk)

The Scottish Government carried out a public consultation on residency eligibility using the Citizen Space website: [Scottish Government consultation - changes to student support residency criteria](#). Although the focus of the consultation was not on the specifics of support for Ukrainian nationals, it did pose questions in relation to relevant connection to Scotland in order to be eligible for home fee status/ student financial support from the Scottish Government.

## CRWIA Stage 2 – Assessment of Impact and Compatibility

**1. What evidence have you used to inform your assessment?** Identify any gaps in the evidence base, and set out how you will address these.

Scotland has taken approx.. 23,500 arrivals from Ukraine since the start of the invasion (as of Feb 2023).

The Home Office data ([Statistics on Ukrainians in the UK - GOV.UK \(www.gov.uk\)](https://www.gov.uk/statistics-on-ukrainians-in-the-uk)) shows a steady decline in the amount of arrivals from Ukraine compared to the early weeks/ months following the invasion.

82% of consultation respondents who answered the question agreed with the overarching policy aim that students need to be able to demonstrate a connection to

Scotland in order to obtain financial support from the Scottish Government for their studies.

58% of consultation respondents who answered the question agreed that the length of the person's residence in the UK (together with a requirement to be resident in Scotland on the relevant date) was an appropriate way to assessing whether someone had a sufficient connection to Scotland for the purposes of accessing financial support.

## 2. Evidence from stakeholders/Policy Colleagues

As noted above, the requirement to be ordinarily resident in Scotland at the time of application was only to be a temporary measure in recognition of the fluid and fast paced nature of the Russian invasion and recognition of the number of Ukrainian nationals who were entering the UK after the start of the 2022/23 Academic Year.

The Home Office statistical report shows a continued steady decline in the number of Ukrainian nationals entering the UK under the designated schemes which has prompted the removal of the temporary measure to align the eligibility criteria with the standard relevant connection criteria.

No further evidence was collected on this change.

## 3. Evidence from children and young people

No specific evidence has been captured from children and young people on this change.

## 4. Analysis of the evidence

### 4.1 How have the findings outlined in questions 1-3 influenced the development of the relevant proposal?

The Home Office statistical report shows a continued steady decline in the number of Ukrainian nationals entering the UK under the designated schemes which has prompted the removal of the temporary measure to align the eligibility criteria with the standard relevant connection criteria.

## 4.2 Assessing for compatibility against the UNCRC requirements (Guidance Section 2.2)

### UNCRC Articles

What impact does/will your relevant proposal have on children's rights (Please tick positive, negative or neutral)

	Positive	Negative	Neutral
Article 1 Definition of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 2 Non-discrimination	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 3 Best interests of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 4 Implementation of the Convention	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 5 Parental guidance and a child's evolving capacities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 6 Life, survival and development	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 7 Birth registration, name, nationality, care	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 8 Protection and preservation of identity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 9 Separation from parents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 10 Family reunification	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 11 Abduction and non-return of children	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 12 Respect for the views of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 13 Freedom of expression	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 14 Freedom of thought, belief and religion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 15 Freedom of association	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 16 Right to privacy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 17 Access to information from the media	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 18 Parental responsibilities and state assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 19 Protection from violence, abuse and neglect	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 20 Children unable to live with their family	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 21 Adoption	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 22 Refugee children	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Article 23 Children with a disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 24 Health and health services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 25 Review of treatment in care	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 26 Social security	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 27 Adequate standard of living	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 28 Right to education	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Article 29 Goals of education	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 30 Children from minority or indigenous groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 31 Leisure, play and culture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 32 Child labour	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 33 Drug abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 34 Sexual exploitation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 35 Abduction, sale and trafficking	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 36 Other forms of exploitation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 37 Inhumane treatment and detention	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 38 War and armed conflicts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 39 Recovery from trauma and reintegration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 40 Juvenile justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 41 Respect for higher national standards	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 42 Knowledge of rights	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## First optional protocol

Positive | Negative | Neutral

Article 4	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Second Optional Protocol

Article 1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 2	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 3	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 4	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 8	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 9	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 10	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 11	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 5. Impact on children and young people

In relation to the UNCRC articles that you have ticked above, please explain how your relevant proposal will impact or currently impacts on individual or groups of children. Please give consideration to groups who may be considered at greatest risk of not having their right fulfilled.

The majority of the articles have been noted as having no impact with this policy change. For the majority of children and young people who have fled Ukraine and entered the UK under one of the Home Office schemes, there will be no impact. The only impact will be for those who are yet to enter the UK and don't arrive in Scotland until after the 1 August 2023 and wish to immediately undertake a course of Further or Higher Education.

Home Office data has shown a steady decline in the number of new applicants arriving in the UK so the number of impacted children or young people are likely to be minimal.



As noted previously, the removal of the temporary measure brings the eligibility criteria in alignment with the standard residency criteria (applicable to other Scottish domiciled children/ young people) and also the criteria set out for British nationals (including children/ young people) fleeing the Ukraine as a result of the Russian invasion.

## 6. Negative Impact/Incompatibility

**If negative impact is identified in Question 5 above, can you elaborate on this and explain why impact is or will be negative?**

As noted above – there could be a small group of children/ young people who could be negatively impacted by the Right to Education if they arrive in the UK after 1 August 2023 and wish to immediately undertake a course of Further or Higher Education.

The temporary measure was introduced in recognition of the fast moving situation in Ukraine in early 2022. Home Office data has shown a steady decline in new entrants under these designated schemes. The provision in regulations allows them access to home fee status and student financial support without the pre-requisite requirement of being ordinarily resident in the United Kingdom for three years' so this cohort could still be in a favourable position over others. The removal of the temporary measure brings the eligibility criteria in alignment with the standard residency criteria applicable to other Scottish domiciled children/ young people and also the criteria set out for British children/ young people fleeing Ukraine as a result of the Russian invasion.

**Are there any potential concerns about compatibility with the UNCRC requirements? Please explain these here.**

No

## 7. Options for modification or mitigation of negative impact or incompatibility

N/A

## 8. Positive impact: Giving better or further effect to children's rights in Scotland

The general policy of support for Ukrainian nationals who have fled the Russian invasion, settled in Scotland and wish to undertake a course of Further or Higher Education will be eligible for home fee status/ student financial support from the Scottish Government has a positive impact. The overall policy is positive in regards to the right to education.

The removal of the temporary measure brings the eligibility criteria in alignment with the standard residency criteria (applicable to other Scottish domiciled children/ young people) and also the criteria set out for British nationals (including children/ young people) fleeing the Ukraine as a result of the Russian invasion.

9. Impact on Wellbeing: does or will the relevant proposal contribute to the wellbeing of children and young people in Scotland? (Guidance Section 2.2)

Please tick all of the wellbeing indicators that are relevant to your proposal.

Wellbeing Indicator	Will there be an improvement in wellbeing in relation to this indicator: yes/no
Safe - Growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential. This includes freedom from abuse or neglect.	Yes
Healthy - Having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices.	No
Achieving - Being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community.	Yes
Nurtured - Growing, developing and being cared for in an environment which provides the physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity.	No
Active - Having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community.	No
Respected - Being involved in and having their voices heard in decisions that affect their life, with support where appropriate.	No
Responsible - Having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision.	No
Included - Having help to overcome inequalities and being accepted as part of their family, school and community.	Yes

## Post Assessment Review and sign-off

### 10. Communicating impact to children and young people (Guidance Section 2.2)

**How will you communicate to children and young people the impact that the relevant proposal is having or will have on their rights?**

Regulatory changes will be laid before the Scottish Parliament in May 2023.

Information on support available for this group will be available on the SAAS and Student Information Scotland websites.

Response to the public consultation will be published on the Scottish Government website ([www.gov.scot](http://www.gov.scot)) and via Citizen Space ([www.consult.gov.scot](http://www.consult.gov.scot))

**Providing information to children and young people on how their rights are being or will be impacted helps to ensure that policy-development is transparent. Are you publishing a child-friendly or accessible CRWIA?**

No – information and guidance will be provided on the SAAS / Student Information Scotland website.

### 11. Planning for the review of impact on child rights (Stage 3)

As SAAS / colleges gather statistical data on student applications, officials will be able to annually monitor the impact of the policy change on this group going forward.

Stage 3 will be completed after a sufficient period of time has lapsed to ensure the policy is bedded in/ trend analysis can be captured potentially in 2/ 3 years' time.

### 12. Compatibility sign off statement

This relevant proposal has been assessed against the UNCRC requirements and has been found to be compatible.

Policy Lead Signature & Date of Sign Off: Nicola Nisbet 28/04/2023

Deputy Director Signature & Date of Sign Off: Catherine Topley 25/05/2023

SGLD Sign Off: Yes  No



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