

Witness Name: Richard Lochhead

Statement No.: 2

Exhibits: RL2/01 - RL2/42

Dated: 25 July 2025

## UK COVID-19 INQUIRY

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### WITNESS STATEMENT OF RICHARD LOCHHEAD

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**In relation to the issues raised by the Rule 9 request dated 20 May 2025 in connection with Module 8, I, Richard Lochhead, will say as follows: -**

1. I am Richard Lochhead of the Scottish Parliament, Edinburgh EH99 1SP. I am currently Minister for Business and Employment.
2. Unless stated otherwise, the facts stated in this witness statement are within my own knowledge and are true. Where they are not within my own knowledge, they are derived from sources to which I refer and are true to the best of my knowledge and belief.
3. This is the second personal statement that I have provided to the UK Covid-19 Inquiry in relation to my role during the pandemic. I previously provided a statement in 2023 in connection with Module 2a. Some of the sections in this statement are a repeat of the information previously provided as I understand that this will be read as a standalone statement.
4. References to exhibits in this statement are in the form [RL2/Number - INQ000000].

5. From 30 August 2018 until 19 May 2021, I was Minister for Further Education, Higher Education and Science in the Scottish Government. Prior to that I was Cabinet Secretary for Rural Affairs, Environment and Food from 2007 to 2016. From May 2021 until March 2023, I was Minister for Just Transition, Employment and Fair Work. I have been Minister for Business and Employment since March 2023.
6. For much of the time covered by the pandemic (January 2020 to May 2021) and the period of interest to the Inquiry, I was responsible for further education (FE) and higher education (HE). From the beginning of the pandemic until I left that role in May 2021, my time in office was dominated by dealing with the impact of the Covid-19 pandemic on our colleges, universities and student population and helping to steer them through an incredibly challenging time that none of us had ever experienced before.
7. There are some questions which the Inquiry has put to me which I am unable to answer as they fell outside my remit. I have produced this witness statement answering the questions I am able to in my capacity as Minister for Further Education, Higher Education and Science in the Scottish Government during the relevant period in Module 8.
8. In terms of some of the questions posed, my involvement was limited to being a recipient of internal papers and memos that were copied to all Ministers. My own involvement, referred to below, only intensified as the impact on the sectors I was responsible for became clear with the announcement of restrictions from March 2020 onwards.

### **Initial Understanding of Covid-19**

9. Other than from general media coverage, I became aware of the pandemic from internal papers that were circulated within Scottish Government. These papers are generally copied to all members of the government.

10. Looking back, I believe that Scotland was like many other countries in terms of observing and then responding to the growing seriousness of Covid-19. I, like others in government, was guided by the updates provided to ministers.
11. As matters progressed, I sensed increasing frustration within the Scottish Government that our UK counterparts were not as willing to take the threat of Covid-19 more seriously. The First Minister, Nicola Sturgeon, was clearly of the view that we needed to treat this with the utmost seriousness and urgency.

### **Public Communications**

12. As a matter of course, as soon as the First Minister delivered her own statements, or when the relevant guidance was updated, I wrote official ministerial letters to the Further and Higher Education and Community Learning Development (adult learning sector) sectors informing them of the specific details impacting on them. I worked closely with student representatives to communicate effectively to the student population, and I also provided funding to the National Union of Students (NUS) Scotland to assist them with their own communications. My other communications roles involved media interviews and appearances in Parliament.
13. In terms of the wider communications strategy, often the public Q and A and briefing did not anticipate the follow up questions posed by the media and the public. A lot of time was devoted to clarifying advice on scenarios that had not been covered by the Q and A and online guidance which could be difficult to source. Part of this was unavoidable due to the pressures of time between developing policy and the announcement of new restrictions in response to the spread of the virus, and the need to provide public Q and As or guidance that covered all potential scenarios.

### **The Ministerial Leadership Group**

14. Once the initial restrictions were introduced by the Scottish Government, I moved quickly to set up and chair a Further and Higher Education Covid-19

Ministerial Leadership Group (FHEMG) to allow me to verbally brief stakeholders on new restrictions, explain their rationale, layout expectations of the sectors, provide an opportunity for questions to be asked and for emerging issues to be identified [RL2/01 - INQ000545865].

15. This forum allowed me to engage with the sectors throughout what was an exceptionally challenging and uncertain period. The group's output would then be fed back through the Scottish Government's decision-making network.
16. Those invited to attend the group included representatives primarily from the further and higher education institutions, trade unions, student representatives (Universities Scotland, Colleges Scotland, Trade Unions, NUS Scotland etc), government agencies (Scottish Funding Council, Student Awards Agency etc) and relevant Scottish Government officials. Representatives from Community Learning and Development (adult learning) also attended.
17. The group met seventeen times and as close as possible to the First Minister's significant announcements in relation to the restrictions and overall strategy. The updated guidance for the sectors was developed in the days after the formal announcements.
18. The Scottish Government was generally represented by further and higher education officials as well as officials from health to help answer questions. Much earlier engagement from clinicians would have been enormously helpful in terms of them understanding the impact of decisions on further and higher education given how much the sectors appreciated being able to ask questions and hear about the data.
19. However, I do appreciate that Clinical Director, Jason Leitch, was over stretched and in high demand. Over time, officials from the testing and vaccinations teams began to attend meetings to listen to concerns and views as well as to answer questions. The Clinical Director and either of the Deputy Chief Medical Officers did begin in due course to attend meetings regularly which was greatly valued by stakeholders.

## **Role and responsibilities**

20. I had no direct role in decision making over the pandemic response strategy, herd immunity, or the timing of restrictions. That was very tightly managed by the First Minister, Cabinet and clinical colleagues on the First Minister's advisory groups. As an observer, it was my impression that the Scottish Government was frustrated with the lack of strong action by the UK Government and by the talk of herd immunity etc.
21. I understood the First Minister to be the ultimate decision maker. Also above me was the Cabinet Secretary for Education, Mr John Swinney (also the Deputy First Minister (DFM)), as well as the Health Secretary, Jeane Freeman. Ms Sturgeon, Mr Swinney and Ms Freeman all worked alongside clinical advisers. While I had no role in decision making, I sought to ensure the decision-making process was informed in line with my own portfolio responsibilities.
22. As Minister for Further Education, Higher Education and Science, I was responsible for tertiary education policy (Higher and Further Education) and Community Learning and Development (CLD) during the specified period. My key policy areas included, but were not limited to, the following:
- Further education and colleges;
  - Higher education and universities;
  - Science and stem (science, technology, engineering and mathematics);
  - Student funding;
  - Youth work; and,
  - Widening access.
23. I also had oversight for the sponsorship of the Scottish Funding Council (SFC), policy responsibility for the Scottish Credit and Qualifications Framework Partnership (SCQFP), and responsibility for the funding of the accreditation function of the Scottish Qualifications Authority (SQA).

24. I maintained these responsibilities throughout the pandemic whilst also undertaking additional responsibilities to support the wider public health measures. I ensured that finance flowed to institutions and individuals and, as far as possible, the continued delivery of critical learning.
25. During the period in question, I held no direct responsibilities in relation to apprenticeships. Portfolio responsibility for apprenticeships sat with the Minister for Business, Fair Work and Skills at that time. My answers within this statement related to apprenticeships are limited to my involvement in discussions concerning colleges' ability to facilitate the formal learning elements required to be completed within a college setting as part of apprenticeship programmes.
26. After the Scottish Parliamentary elections in May 2021, there was a ministerial reshuffle as the new government was appointed. This resulted in the responsibilities for further and higher education, as well as apprenticeships, falling under the remit the Minister for Higher Education, Further Education, Youth Employment and Training. Mr Jamie Hepburn was appointed to that portfolio in May 2021.
27. I also had responsibility to report to and to be held to account by Parliament on my portfolio throughout the pandemic. I answered parliamentary questions, delivered oral statements to Parliament, appeared before the committees and attended many media engagements.
28. I was not the only minister to directly engage with Higher and Further Education stakeholders. The First Minister and Deputy First Minister would meet the same stakeholders from time to time. Scottish Government officials also had frequent bilateral contact with the various stakeholders. Especially when drafting the guidance that had to be introduced, formulated, and updated each time there was an announcement. I also had bilateral engagements with stakeholders as and when appropriate. The Health Secretary took a close interest in my area and occasionally commented on advice from my officials and of course she was working closely with the First Minister.

29. I spent a great deal of time ensuring that students remaining on campus received adequate support. A significant issue arose concerning students who were isolating (sometimes hundreds at any one time on the same campus and often in the same halls) and their ability to access food and supplies.
30. My role changed during the pandemic in that most of my meetings and engagements took place remotely via Zoom and, latterly, Microsoft Teams. The ad hoc meetings that I had with the sector i.e. colleges, universities, student unions, and trade unions became regular and intense in nature. Pre-pandemic, I visited institutions to talk about wider policy initiatives and developments. Our discussions concerned wide ranging topics impacting students and staff in the sector. That changed during the pandemic in that, at least initially, discussions focused on protecting people from the virus, whilst also attempting to deliver learning.
31. I acted as the link between the sector and the ultimate decision makers. I supported the sector in understanding the guidance and restrictions as they were introduced and / or updated, and I ingathered views on what the institutions felt was working well, and what wasn't. There was a lot of toing and froing. I passed all the comments and feedback from the sector on to senior colleagues, including the Deputy First Minister, in order that it could be considered when decisions were being made.
32. I developed a rhythm of meeting with key stakeholders following a new government announcement. That allowed me to clarify and answer questions on the announcement, before the sector acted in line with it. Issues were often flagged, and questions raised that I didn't have immediate answers to. I relied heavily on my officials and clinical advisers to provide answers and responses to those questions and issues. My officials liaised with institutions on a continual basis, over and above the virtual meetings that I was party to.
33. Meetings with the sector often focussed on the key milestones throughout the academic year and how these would be impacted. Students leaving term time

residences and travelling, both locally and abroad, for Christmas was a matter that required considerable dialogue. Thought had to be given to testing and isolating regimes and how to enforce them etc. I fed back a lot of questions and concerns surrounding the practicalities of many of the rules and restrictions. Different institutions had different spaces and degrees of capacity when it came to enforcing and policing restrictions, so I continually received questions.

34. The method of how I approached my work changed during the pandemic as I worked from home for the most part. Meetings that would previously have taken place in person were held remotely via Zoom or Microsoft Teams. Whilst I remained in constant contact with my officials and other key figures in government, the frequency of my communications increased.
35. In terms of key decisions affecting further and higher education, all key decisions taken at the time were taken with the input and agreement of all ministers, especially the First Minister and Cabinet, with advice from clinical advisors. As such, there is not a list of decisions that were made by one specific minister. As I have said, I did not make decisions per se, but rather much of what I fed back to the Scottish Government's decision makers, in response to my discussions with stakeholders, helped shape the regulations and guidance as far as it affected Further and Higher Education.
36. Students travelling home during lockdown is one example of an area in which my feedback and input helped shape the guidance. Another example was the need to make it easier for students to exit accommodation leases given they could not use their rented accommodation. I did not make the final decisions on these things, but I pushed for decision makers to take them into consideration and publish guidance accordingly.
37. I relied on many officials and advisors during the pandemic but, day to day, I was most in contact with the Director of Advanced Learning and Science, Ms Lorna Gibbs, the Deputy Director for Colleges, Scottish Funding Council (SFC) and Sponsorship, Dr Linda Pooley, and the Deputy Director for Universities, Mr Roddy MacDonald. I also had continual correspondence with Mr David Robb,



the Deputy Director for Covid Recovery. I also had ongoing correspondence with the National Clinical Director, and the Chief Medical Officer's team throughout the pandemic, and invited them to some of my meetings. I felt that doing so would give them the opportunity to hear from the sector directly.

### **Ministerial meetings**

38. The Covid-19 Further and Higher Education Ministerial Leadership Group (FHEMG) was established and met for the first time on 2 April 2020. I chaired the Ministerial Group which was established with the intention of providing an action focused leadership forum for government and its agencies to come together with the education sector. I considered that this group would have many benefits, including:

- The sharing of information, gathering of intelligence and discussing the response to key Covid-19 challenges across the tertiary sector;
- Unblocking any issues where Government could help do this;
- Enabling progress, alignment and supporting the communication of the response across the tertiary sector;
- Corral the sector's contribution to the economic and broader civic response; and,
- Begin planning beyond the immediate term/for recovery.

This group met 17 times between April 2020 and March 2021. The final meeting took place on 11 March 2021.

39. In addition to the FHEMG, I recall having ministerial meetings with various other government ministers throughout the course of the pandemic.

### **Co-operation and collaboration with English Counterparts**

40. I had regular meetings with the Secretary of State for Education in the United Kingdom Government. During those meetings we discussed matters of mutual

interest about the Covid response and broader matters relating to the further and higher education sectors. We reflected on the kinds of issues we were facing and discussed direction of travel regarding some of the decisions that lay ahead. An example being the number of students that could be safely allowed back on campus at any one time. Regardless of experience in Government, pandemic restrictions were new to us all and so it was helpful to hear the views of people doing a similar role.

41. I understand that Scottish Government officials also engaged with their UK counterparts to understand their approach and share any data/evidence to help ensure that advice to me and other Ministers took account of as much evidence as possible. Those meetings were in the form of regular (often weekly) phone calls between the Director of ALS and counterparts in the Department of Health, the Welsh Government and Northern Ireland. These were informal meetings focused on sharing intelligence received from institutions and what their Ministers' respective thoughts were. The then Director reflected that it was a useful space but did not involve formal data sharing, nor did it drive Scottish Government decision making. Engagement at official level was constructive and collaborative.
42. There did appear to be some different factors at play across the UK. For instance, UK Ministers were perhaps sensitive to growing demands for refunds from students who were not receiving face-to-face teaching, whereas in Scotland this was less of an issue as Scottish students are entitled to free higher education. We did hear some comments from overseas students in Scotland complaining that they did not pay for remote learning which negated the need to travel to Scotland. I do not recall being contacted directly by students about this, but the issue was reported by the media. I do not think that the concerns were universally about one specific thing, for example, wanting to pay less for remote learning or to be able to come to Scotland for face-to-face learning, but rather were generally about value for money – what they paid for and what they got. I expect that individual institutions would be better-placed to comment on the specifics of such concerns as raised by overseas students.

43. The issue of financial support for universities reliant on income from overseas students became a concern as overseas students could not travel to the UK and / or students that were here may return home at the end of term and not return to Scotland. In the end, many overseas students decided to remain in Scotland in between terms.
44. Universities were able, through their own channels, to meet with UK ministers, as I also did, to seek financial support. The issue of supporting research was also discussed given that deadline for grants or contracts would be missed due to the pandemic. This would affect research to include projects related to the covid virus.
45. As well as my own bilateral contact with UK Ministers, I met with ministers from the other devolved nations to discuss a range of issues including the pandemic. These issues included to what extent students should take a test near their home before returning to campus. This collaboration was particularly important because so many English students would be returning to Scottish campuses. The UK Ministers put together a contingency package of support for universities including for research. The Scottish Government also announced £75m to help universities protect their research base. We endeavoured to forewarn the UK Government of our announcements. The UK's contingency package was unpopular in Scotland both because of inadequate funding and because it left it up to the UK to decide if a Scottish institution was in enough financial difficulty to justify support. Many felt that this failed to respect devolution.
46. The Scottish Funding Council played an important role in helping government understand the financial impact of the pandemic on the sector's viability and ministers worked closely with the SFC to ensure no student lost out on a place at an institution due to the pandemic. The Scottish Government provided public reassurances and the funds to help universities and colleges ensure that students' futures were protected given the likelihood of deferrals and of students being unable to graduate. The Student Awards Agency greatly helped here too.

47. A key concern for Scotland was the need for consistent messaging across the four nations given that many English students attended Scottish institutions. There were often slightly different approaches across the nations, so this was challenging. We were always keen to align our measures with the other nations however this was not always possible, and we always understood there were different factors to be considered north and south of the border. There were other times we learnt of the handling of the situation in England when they made public announcements.

**Contact with universities, colleges, regulators and other representative organisations**

48. During the specified period, the Advanced Learning and Science Directorate's (ALS) relationship with universities and other higher education institutions reflected the need to work in collaboration.
49. In spring of 2021, a specific Covid-19 Recovery Division was created by civil service officials within the ALS Directorate. This division subsequently established and supported the stakeholder Advanced Learning Covid-19 Recovery Group (CRG) and the Covid-19 Advisory Sub-Group on Universities and Colleges (EAG). The members of the CRG were the Scottish Government, Colleges Scotland (CS), West College Scotland, Edinburgh College, City of Glasgow College, West Highland College, Universities Scotland (US), St Andrews University, Abertay University, University of Stirling, Queen Margaret University, University and College Union (UCU), Unite Scotland, The Educational Institute of Scotland (EIS), Unison, National Union of Students (NUS) Scotland, SQA, SFC, SAAS, Skills Development Scotland (SDS), Community Learning and Development Standards Council and The Quality Assurance Agency for Higher Education (QAA).
50. The group was chaired by the Minister for Higher and Further Education, Youth Employment and Training, my successor Mr Jamie Hepburn. The terms of reference are provided [RL2/02 - INQ000545866]. The members of the Advisory Sub-Group on Universities and Colleges were the Scottish

Government, University of Glasgow, Queen Margaret University, University of Strathclyde, University of Edinburgh, University of St Andrews, Public Health Scotland, NHS Tayside, Forth Valley College and Glasgow Clyde College. The group was chaired by the Scottish Government and the terms of reference are provided, [RL2/03 - INQ000545867].

51. The Directorate adopted a partnership approach with colleges, universities and CLD providers and trade unions to develop HE/FE/student accommodation and CLD sectoral guidance. The sector agreed to comply with Scottish Government guidance, in addition to complying with wider legislative requirements and wider national guidance. Ministers did not, therefore, use the powers available for FE/HE institutions under the UK Coronavirus Act 2020 to compel institutions to act.
52. ALS Directorate also liaised with several bodies (including US, CS), representatives of student accommodation providers and staff and student representatives in respect of young people attending FE and HE.
53. The Scottish Government liaised with Universities UK, via Universities Scotland, the autonomous national council of Universities UK (the collective voice of 141 universities) representing Scotland's 19 universities. As the representative body for Scottish universities, US served as the main conduit for our engagement with these institutions.
54. I do not recall any engagement between the Scottish Government and the QAA. As I understand it, QAA is a UK agency involved with the regulation of English universities. The QAA is not relevant in Scotland. We do however have a similar agency in Scotland, the Quality Assurance Agency Scotland, and I recall having meetings with them during the pandemic, particularly in relation to the quality and delivery of remote learning.
55. The Directorate for Learning, the Directorate for Advanced Learning and Science (now the Directorate for Lifelong Learning and Skills), and the Directorate for Children and Families sit within the Directorate General for

Education and Justice, and, during the relevant period of the Inquiry, there was also a separate Early Learning and Childcare Directorate (now part of Children and Families Directorate). The Directorate General is responsible for the strategic management of directorates. The four directorates operated separately, however, were closely linked and collaborated across multiple policy areas in relation to the response to the pandemic. This included the provision of combined advice to Ministers on issues such as the closure of schools, colleges, and universities.

56. For example, on 9 March, the Deputy First Minister asked officials for urgent advice on the possible closing of early learning and wider childcare settings, schools, colleges and universities due to Covid-19, ahead of a Cabinet Office Briefing Room (Ministers) (COBR(M)) meeting. This engagement and cross-working continued throughout the pandemic as required. There was also specific engagement in relation to exams through the Qualifications Contingency Group (QCG) which was chaired by the Scottish Government, with senior representation from the SQA; School Leaders Scotland (SLS); Educational Institute of Scotland (EIS); the Association of Directors of Education in Scotland (ADES); College Development Network (CDN); Colleges Scotland (CS); Scottish Council of Independent Schools (SCIS); Universities and Colleges Admission Service (UCAS); and Universities Scotland (US).

#### **Relationship with teaching, college and university unions, regulators and qualification awarding bodies**

57. I corresponded with unions and regulators across the education sector throughout the pandemic. Whilst I recall having ongoing one to one meetings with these bodies, I tried to use collective forums, such as the ministerial leadership group FHEMG and Covid Recovery Group, to convey formal messages and updates that were applicable across the board. I would often have collective engagement through meetings with groups of union reps. I recall having several meetings with the National Union of Students. They were seeking support from the Scottish Government on various issues including

student funding and mental health support. They were very much in favour of remote learning.

58. My communication with the unions allowed me to note and feedback their concerns on published guidance and to provide clarity over what the rules were. My contact with the unions considerably intensified when the government started thinking about a return to face-to-face teaching. The unions were concerned about the safety of their members, particularly older and vulnerable members of staff. They had concerns about compliance of safety measures following a return to face-to-face teaching.
59. I cannot recall having the same level of correspondence with awarding bodies. Awarding bodies would have been in contact with the government, given the impact the pandemic had on the granting of awards and qualifications, but I can't recall having any direct communication with them. DG officials and Mr Swinney are more likely to have taken the lead on that front.

### **Demands on the teaching profession**

60. Guidance and restrictions were changing at pace. I received constant feedback from the trade unions regarding anxiety amongst staff who wanted to cease face-to-face teaching. However, institutions, universities in particular, appeared reluctant to support the unions and were eager for at least some level of face-to-face teaching, especially where it was essential for the completion of courses, where they maintained social distancing advice could be adhered to and a safe environment could be provided. Although I suspected that online learning would be challenging, it was clear to me that teaching staffs' focus was on doing their best for their students and I don't recall any resistance to that transition.
61. I feel as though I got the balance right in terms of the role that I played. I was in regular contact with the relevant bodies. I was approachable, I listened to their concerns, and I was proactive in responding to their questions. As I have explained, I had a limited role in decision making and therefore I was primarily

focused on making sure that government's decisions were understood and that concerns and emerging issues were fed back to clinicians and senior ministers. I was however aware of the tensions between teaching institutions and teaching unions. When it came to reopening, institutions often argued that they were able to accommodate the return of a lot more students than prescribed as access to large open areas, including lecture theatres, would allow people to socially distance. Unions however were eager to delay the return of face-to-face teaching for as long as possible due to concerns for vulnerable staff. I understood both perspectives but at the back of my mind, I knew that the longer the restrictions continued, the greater the detrimental impact on education and the stability of the sector. Ultimately, the government relied on clinical advice to decide the safest approach. I felt that more could have been done to have allowed laboratories to remain open given how easy it was to maintain a safe environment in those spaces. I couldn't grasp why this wasn't possible at the time but, looking back, it was probably due to the demands on clinicians and advisers' time. In addition, the Scottish Government was keen for a maximalist approach to minimise the spread of the virus.

### **Monitoring and assessing impacts on student mental health**

62. Engagement with NUS, both bilaterally and through groups such as the Student Accommodation Group and the ministerial leadership group, was one of the main sources of information used to monitor and assess the impact of the pandemic countermeasures on the mental health and well-being of students. Scientific Advisory Group for Emergencies (SAGE) was another key group that I relied upon in terms of understanding the impacts of restrictions. Through these groups, officials gained intelligence on the impact of notice to leave provisions and the wider impact of those residing in student accommodation during the pandemic. Various surveys and reports were also used to gain insight. These included:

- ONS Student Insight Survey: Although based on English providers, ALSA used the data from the student insight survey to help understand student



wellbeing, testing and vaccination rates. The ONS survey ran from November 2020 to May 2022.

- NSS Student Survey: This UK wide survey provided an insight into mental health. The 2021 data, published in summer 2021, for example included extra questions around support for Mental Health.
- Research report on case studies of student hardship during COVID-19 Coronavirus (COVID-19): student hardship - case studies: report [RL2/04 - INQ000545842].

63. Early in the pandemic, stakeholders raised particular concerns around student financial hardship as a result of lost or reduced employment, either for the students themselves, other family members (parents, carers etc.) or partners. For example, a National Union of Students (NUS) Covid-19 and Students Survey [RL2/05 - INQ000621088] published in April 2020 found that for Scottish students:

- Of those who were in some form of employment at the time (61% of respondents), 14% had their hours reduced, 8% were required to take unpaid leave and 6% were being let go / made redundant;
- For almost a third of respondents (31%), the income of someone who supported them financially had been 'majorly' (13%) or 'moderately' (18%) affected by COVID-19; and
- Over two fifths of respondents (43%) were 'concerned' (16%), 'very concerned' (11%) or 'extremely concerned' (16%) about their ability to manage financially during the pandemic. A further 37% were 'somewhat concerned' and 19% were 'not at all concerned'.

64. In response to these concerns, a support package for students was launched in April 2020 comprising the 'Student Emergency Hardship Fund' and 'Summer Hardship Fund'. Alongside this, in May 2020, the Scottish Government committed to undertake a research project to better understand the range of financial hardship issues faced by college and university students in Scotland. The overall aim of the project was to explore the range of financial hardship

issues faced by college and university students in Scotland during Covid-19 and the different types of support they were (or weren't) accessing to help avoid experiencing longer-term hardship and, inevitably, impacts on mental health and wellbeing.

65. Despite all the surveys and information, I was aware that we were in uncharted territory and that there were lots of mixed messages in terms of personal anecdotes. I was told of students suffering due to being isolated at home, not on campus, while others were comfortable at home with online learning. They enjoyed being at home, were studying hard, and did not want to be back on campus. The financial impacts would undoubtedly have had a negative impact on mental health, but I think the impacts of staying at home were wide ranging and really depended on each student's wider circumstances and personality.

#### **Monitoring and assessing impacts on attainment**

66. My main source of information concerning attainment and drop-out data was the educational institutions themselves. I received information directly through the ministerial group that I chaired. My officials, who maintained communications with both institutions and collective representative bodies throughout the pandemic over and above the meetings that I had with them, also provided me with updates on attainment. As the pandemic continued, the available data increased, and various analyses were undertaken and circulated around government. ALS officials worked with analysts to understand the data relevant to schools and ELC. Additionally, I was able to gain an understanding of the impacts on attainment and attendance of students in other parts of the UK through ongoing dialogue with my UK and devolved nation counterparts.
67. In terms of the balance between the contact I had, and the input I received from unions and representative bodies across the sector, my contact was continual, and bodies had an ongoing opportunity to voice their concerns to me and my officials. I also believe that those bodies did their best to keep government apprised of information and insights as they became known. Although the situation was unprecedented, both sides understood the benefit of sharing

information in order that appropriate guidance could be provided and implemented.

68. With that said, and with the benefit of hindsight, communications between government and education providers could have been improved. I say that because the government announcements and guidance updates generally took a 'big picture approach' and it usually wasn't until after a guidance update had been given that we would have an opportunity to consider how it would impact individual groups. Questions would often be raised immediately after updates were provided, and I didn't always have immediate answers to them. Institutions or representing bodies would therefore have to wait for a response which was reliant on clinical input. I didn't have all the answers as, no matter how well considered an update was, there were always questions that hadn't been thought of.
69. There was always a bit of a difference between how government envisaged a piece of guidance would take effect, and the practicalities of institutions being able to do so. Unfortunately, that was the nature of the beast. Those running individual teaching institutions were ultimately best placed to speak to how impactful a certain piece of guidance would be considering their footprint, student numbers and resources.
70. In hindsight, it would have been helpful to have received clinical input earlier than I sometimes did. The clinical team were working tirelessly during the pandemic, and so immediate responses were not always possible, but that input would have, in turn, improved my communication with institutions. By way of example, I recall being concerned about consecutive isolation periods for students and the detrimental impact that would be having on them. I wanted to understand whether we could continue to prevent the spread of the virus but also try to reduce the impact on students. For example, I was curious as to whether all those students who were isolating in the same block could mix with each other whilst still isolating more generally. Although I was proactive in engaging clinicians, it took a while for the clinicians to come up with a solution because they were under a lot of pressure dealing with the wider situation in

Scotland. As the pandemic went on the idea of 'balancing harms' emerged, and it became clear that the risks of lengthy periods of isolation may outweigh the benefit of avoiding/ containing the virus.

### **Pandemic planning and the early stages**

71. The Scottish Government's business continuity policy requires all core Scottish Government Directorates to develop, implement and maintain a business continuity plan which minimises the effect that any significant incident, failure or disruption has on its ability to conduct its business and maintain delivery of its essential functions and services.
72. The ALS Business Continuity Plan identified and prioritised critical services delivered by the Directorate; identified and recorded the impact of the loss of or disruption to these services and its ability to engage with further and higher education institutions; and planned to ensure critical services can continue following a disruption. These plans were put in place to respond to any disruption or emergency and allow the continued delivery of services. The plan sets out the overall corporate approach to business continuity, as well as the specific arrangements in place for the Directorate. A copy of the 2020 Business Continuity Plan has been provided, [RL2/06 - INQ000182824].
73. In 2018, contingency plans had been made for a Flu Pandemic Preparedness Bill which would provide ministers with emergency powers in the event of a flu pandemic. This included emergency powers for the immediate, temporary closure of all schools and early learning and wider childcare establishments in Scotland in the event of a public health emergency. Aside from this, there was no formal plan or guidance document outlining how education was to be delivered in the event of a pandemic or public health crisis.

### **Significant advice provided by officials between January and March 2020**

74. Below is a list of the significant advice issued by officials about further and higher education in relation to the early stages Coronavirus pandemic between January – March 2020:

- **23 January 2020:** Advice to Minister for Further Education, Higher Education and Science about emergent virus and to update on discussions between institutions, PHS and Health Boards. [RL2/07 - INQ000545755].
- **24 January 2020:** Advice issued to Deputy First Minister providing an update on the work undertaken within universities, to ensure any practical steps to assist containment are taken. [RL2/08 - INQ000545757].
- **7 February 2020:** Generic advice from PHS on the coronavirus, including basic protective measures, was issued to all Directors of Education for onward communication to schools. [RL2/09 - INQ000520412].
- **26 February 2020:** University and College specific update issued to the Minister for Further and Higher Education in advance of a Scottish Government Resilience Room meeting. [RL2/10 - INQ000545758].
- **26 February 2020:** Advice issued to minister on SAAS funded Scottish students who are currently studying out with the UK and possible implications for student support. [RL2/11 - INQ000545760].
- **26 and 27 February 2020:** Submission sent seeking DFM agreement to seek powers over FE/HE sector within legislation, and to provide an update on the additional powers being put forward by the Department for Education (DfE) and the additional powers required for FE/HE in Scotland. [RL2/12 - INQ000545762], [RL2/13 - INQ000545763] and [RL2/14 - INQ000545764].
- **27 February 2020:** DFM call with officials to discuss preparations for coronavirus in the education sector. DFM asked that officials take forward, on a confidential basis, calls with key trusted education stakeholders. These calls began the following day.
- **5 March 2020:** Advice to ministers sharing scientific advice received to date, internal DfE thinking on school and early learning and childcare (ELC) closures, and Scottish Government work to date. [RL2/15 - INQ000261237].

- **8 March 2020**: Submissions sent to DFM providing further detail on FE and HE provisions proposed to be in the UK Coronavirus Bill and recent developments in relation to the powers which the DfE plans to add to the Bill. [RL2/16 - INQ000545768].
- **9 March 2020**: Further advice to DFM on likely impact of closures of school and ELC settings, colleges and universities as part of addressing the coronavirus outbreak. [RL2/17 – INQ000182838].
- **18 March 2020**: Advice to the Minister for Further Education, Higher Education and Science to make him aware of advice issued the day before concerning the Coronavirus Bill and the UK Government's advance policy paper published yesterday. [RL2/18 - INQ000545769].

75. There were differences in terms of how the pandemic counter measures impacted further education students when compared to higher education students. Most of the concerns and questions were received from universities. It is a lot more common for university students to live away from home than it is for college students, so most of the issues surrounding student residences, students' ability to back out of tenancies, and testing and isolation related to university students. Universities also have a much bigger cohort of international students, many of whom were effectively trapped in Scotland for most of the pandemic.
76. In terms of disruption to teaching, I think students undertaking practical courses were affected more than students studying theoretical subjects that were more easily transferred to remote learning. Some courses translated better to 'online learning' than others. This issue was particularly pertinent for college courses where there is a big emphasis on practical skills. It also applied to science and medical related university courses.
77. In terms of age, some mature students clearly faced different challenges to younger cohorts as they were more likely to be juggling care of dependents and financial commitments. Conversely, mature students may have been better equipped than young students when it came to self-motivating and independent

study. It is difficult to say. I received varied feedback concerning a diverse selection of students across the further and higher education sector.

78. I recall colleges being very proactive. We received positive feedback from colleges who were quick to adapt and came up with plans to deal with apprenticeship students who would be required to continue their courses for an additional year to make up for the lost practical experience. The pandemic was uncharted territory for both education institutions and government, but, for me, colleges performed particularly well when it came to closing and re-opening campuses during and after periods of lockdown. There is no doubt that a major factor here was the fact that a greater degree of college students lived at home than university students.
79. Universities were also proactive in collectively working together to develop a suitable plan on the phased return of students.
80. We worked hard to understand all the implications, and the closing and opening of settings went relatively smoothly thanks to the collective approach and hard work of the further and higher education settings. However, naturally, there were always consequences of imposing restrictions that we had to deal with in the aftermath.

**Closure of schools, further and higher education settings and the move to remote teaching from March 2020**

81. I did not make any decisions when it came to the closure of education settings. Nor did officials within the Advanced Learning and Science Directorate undertake any formal consideration about instructions targeted towards FE/HE to close during the period leading up to 23 March 2020. By that date many institutions had made the unilateral decision to close of their own accord, in line with discussions they had had with Public Health Scotland. The lockdown enforced on 23 March 2020 was enforced on a society-wide basis and not targeted towards a specific sector. Officials, however, considered the possibility of recourse to direction-making powers under the UK Coronavirus Act 2020

and, if a scenario arose where the Directorate would have to specifically instruct institutions to close, what the possible impacts of closures might be for staff and students (particularly around student wellbeing).

82. The Scottish Government neither undertook any decision-making regarding directing further and higher education institutions specifically to close, nor was any consideration given to specific groups of students or courses to continue with face-to-face learning.
83. I can't recall receiving information on the number of students accessing remote teaching. At the start of the pandemic, most of the teaching moved online as institutions were closed. As such, the SG did not collect data on the number of students 'accessing remote teaching' as it was assumed that students would be using the online resources set up by their courses to access their learning remotely.
84. During the overall period of the pandemic, the Directorate did not directly involve itself in activities relating to the learning, teaching and assessment decisions made by these independent institutions, nor would involvement have been welcomed as it would be out with the remit of the Directorate's role. Although Part 2 of schedule 17 of the Coronavirus Act 2020 conferred power on the Scottish Ministers to make a Direction in relation to the continuity of education provided by FE and HE institutions, it was not deemed necessary or appropriate to intervene in the autonomous decisions of further and higher education providers in this matter. The guidance that the Directorate issued to these institutions was solely limited to ensuring the safe and appropriate conditions for such activity to take place, however an overall expectation about the fair and sympathetic treatment of all students during this time was set out.
85. In addition to the work of my Ministerial Leadership Group, detailed above, a Covid-19 Learner Journey Ministerial Task Force was established, as outlined on the submission to ministers [RL2/19 - INQ000241806], to address concerns raised by universities and CS at the Ministerial Leadership Group about the challenges faced "for students in completing their qualifications in the 2021-22



academic year, the knock on effect to the following year, and also consequences of disruption to the SQA exam diet” and to “provide solutions to maximise FE and HE completion of student learner journeys”.

86. In short, whilst institutions were self-governing in terms of how they delivered remote learning, they had access to a forum in which they could raise questions or concerns over the government’s guidance/ funding and how that influenced the delivery of remote learning. When the first lockdown was announced the biggest undertaking for institutions was ensuring they could supply the technology devices that staff and students required to access materials remotely. Many students still relied upon the campus hardware and internet connection for their studies, so the primary concern was ensuring that students had the ability to access the available remote resources. As with everything else, the remote pedagogy developed and improved over time, and I reassured institutions that funding would be available so that devices could be provided to everyone in need of them. I was impressed by how quickly institutions managed to pivot to online learning.
87. The Quality Assurance Agency Scotland (QAAS) is the quality body for higher education in Scotland. It is funded by the Scottish Funding Council (SFC) to deliver the SFC’s quality assurance frameworks. Both bodies were in ongoing communication with learning institutions throughout the pandemic. I met with the QAAS in January 2021, and they updated me on their work. They worked with institutions to ensure that they met an agreed set of expectations for academic standards and quality which are set out in the UK Quality Code: [RL2/20 - INQ000649074]. They also provided the higher education sector with a suite of guidance and wider supporting resources, covering matters including securing academic standards (to ensure awards are held in the same esteem irrespective of the pandemic mitigations), transitioning teaching, learning and assessment to online delivery, and the wider student experience (for example awareness of student mental health and wellbeing support).

88. Additionally, Education Scotland refocused its activity during Covid-19 and is working with College Development Network and Student Partnerships in Quality Scotland to develop core resources and training for staff.
89. I had no direct responsibility for the guidance and / or advice concerning apprenticeships over and above my general discussions with colleges and the National Union of Students from whom I received feedback about the impacts of the government's guidance on college students to include students who were studying as part of an apprenticeship program. I was aware of the primary concerns of apprenticeship students i.e. that their qualifications may be delayed because of having missed out on practical experience, and that, on top of the education side of things, the concerns that their sponsoring employer may not be able to continue supporting their program, but I had no direct involvement in the decisions that gave rise to these concerns. I sought to assure the NUS as best I could, with the information available to me.

#### **The provision and regulation of remote education**

90. The Scottish Government did not undertake any assessment to understand the ability of further and higher education institutions to provide education and training remotely if they would have to close prior to March 2020 as it simply did not have time to do so due to the fast-moving nature of the public health emergency. The rapid pace of decision making meant that formal impact assessments could not always be undertaken in advance of decision making.
91. Impacts on groups, including those with protected characteristics, were latterly considered through processes such as the assessments of the four harms. The Scottish Government latterly published impact assessments at various stages of the pandemic which provided insights into the relevant considerations for decision-making.
92. To meet the remote learning needs of students, the Directorate introduced a £5m Digital Inclusion Fund in July 2020 to support over 13,000 further higher and community-based learners to help with the costs of laptops. As part of the

work on digital inclusion, it was recognised that Wi-Fi was a barrier to learning for some of our learners during the pandemic however because of the funding allocated being capital funding, the Directorate was limited as to how the funding could be spent. To overcome this barrier the Connecting Scotland programme, which was able to provide both devices and connectivity to those on low incomes, offered a direct application route for colleges. Many institutions had already taken action to provide devices to their students and staff before the fund was introduced, so the fund ultimately complimented what institutions were already doing. It was clear from the outset that access to remote learning was going to be an issue, so I made representations to my ministerial colleagues for support for a financial package from an early stage. There were also wider discussions with the Cabinet Secretary about this.

### **Scottish Government Groups for Further and Higher Education**

93. As I have already touched on, I set up a ministerial leadership group in April 2020 to facilitate regular collective discussions with institutions during the pandemic. This allowed me to take the pulse of the sectors and hear the views of key stakeholders and those directly affected. The terms of reference for the group set out that it would cover the following areas:

- Teaching, qualifications, admissions;
- Student wellbeing (financial and other);
- Staff/worker wellbeing (financial and other);
- Institutional financial sustainability;
- Supporting economic and civic society recovery; and,
- Indirect impacts and contributions.

The Terms of Reference also made clear that the Ministerial Group did not replace existing governance and decision-making mechanisms at Government, agency and individual organisation level. The terms of reference have already been provided to the inquiry [RL2/21 - INQ000545865].

94. My initial thought was that it was crucial to have a platform where I could reiterate and clarify the government's latest announcements to the sector. It was important for me to have a direct channel to the sector and be able to get the key stakeholders round the same table.
95. The group offered support and a safe space to senior people across the sector who were facing a lot of pressure at that time. Different institutions and bodies could share their ideas about how to approach things, and, on a human level, that highlighted that the burden of delivering education under such challenging circumstances was shared. Discussions also highlighted several unintended consequences of the guidance and / or restrictions. The group adopted a 'team Scotland' approach and that was a helpful tool for preserving morale.
96. The issues dealt with by the group were wide ranging and evolved in line with the guidance and restrictions. I recall discussions about the testing policy for students, particularly after the Christmas break, the practicalities around enforcing social distancing, and as I have already mentioned, the appropriateness and timing of a return to face-to-face teaching.
97. Universities voiced frustrations over the restrictions impacting on students working in laboratory settings as, they argued, those spaces were already very contamination conscious and frequented by a small group of people.
98. The definition of a 'household member' was a matter of contention and the regulations on the movement of people between 'households' and 'bubbles' were not easy to apply in halls of residence. Universities were under significant pressure to apply and enforce restrictions that they felt were impractical whilst under the watchful eye of the media. You will recall that there was a great deal of bad publicity surrounding residential students who were considered 'superspreaders'.
99. Discussion points included a return to Safer Learning under the Revised Strategic Framework. The work of this Group fed into the planning for this return, as further detailed below.

100. I was not a member of the Student Accommodation Group, but advice was prepared for ministers informed by engagement with the group and from clinical guidance. The task of the Group was to provide intelligence as to what was happening on the ground and as a source of information for officials to help inform decision making and advice to ministers, as actions were developed to combat the virus and keep students safe.
101. The Accommodation Group was key to the drafting of the first iteration of the guidance on student accommodation to prevent the spread of the virus, raised operational issues pertaining to students, including arrangements to collect belongings as travel restrictions were brought into force, discussed student gatherings and the need to restrict those, and the operation of the notice periods through the pandemic. I played a key part in formulating policy around student accommodation and was actively involved in driving the emergency legislation.
102. As I have said, part of my role was to be accountable to Parliament. So, I had to make parliamentary appearances. I had to appear before parliamentary committees and talk about all the issues that I've touched on throughout this statement. Discussions were often and lengthy and, as I've also said, my officials provided me with a lot of information to allow me to fully understand the concerns and issues being experienced across the sector.
103. These discussions resulted in travel guidance for students being developed, discussed and published in the SAAS website [RL2/22 - INQ000545912] and amendments to the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 [RL2/23 - INQ000649075] which introduced further measures to address the potential risk of parties in student accommodation.

### **Examinations and vocational and technical qualifications (VTQ)**

104. When providers started to open again in January 2021, there was specific provision (the 5% face to face teaching rule) to allow students back for essential practical work, including off campus placements. However, I understand that

courses that had a substantial practical component still had difficulties with students at risk of non-completion within this set provision.

105. The principal issue was around workplace restrictions, with many apprentices furloughed as with other employees. For apprentices who do have some mandatory training in college or university (e.g. engineering, construction), the restrictions in these establishments also impacted on them and meant they sometimes took longer to complete the apprenticeship than they would do normally.
106. Colleges did the best they could to adapt practical courses, but they were unable to move past the reality that restrictions and campus closures prevented students from learning practical skills that were essential to the completion of certain qualifications. The biggest concern for colleges was funding the additional period of study required by these students. I worked with officials to alert colleagues, including the First Minister, Deputy First Minister and Cabinet, of the issue and to support colleges' requests for additional funding for students who required to have their studies prolonged. That funding was ultimately made available.
107. The Skills and Schools Ministers are better placed to speak to the difficulties in relation to centre assessed grades for GCSEs, A-levels.

#### **Reopening further and higher education setting and the return to face-to-face teaching**

108. The return to face-to-face teaching for staff and students was phased over several months in 2021, in line with the easing of broader restrictions across Scottish society. Whilst the decisions were still being made by the Cabinet, I was involved in many of the discussions and deliberations, alongside other ministers, and in line with clinical advice, about the best approach in terms of reopening. This culminated in institutions moving to "Beyond Level 0" arrangements at the start of the 21-22 academic year.

109. An enormous amount of time was devoted to discussing the practicalities of a return to face-to-face teaching with teaching institutions. With clinical input, it was decided that a staggered reopening would be the safest way of bringing students back and prevent travel up and down the country all at once. Lengthy deliberation was also given to the most effective testing juncture i.e. whether it was better for students to test before or after their return to campus.
110. My officials and I came up with a proposal for students' return and I fed back to senior colleagues. My priority was to ensure that students could continue their education and a return to campus was crucial, even though remote learning would continue to feature. Once we had a proposal, I formally wrote to universities and colleges explaining that it reflected our discussions. Once my proposal, which ultimately formed part of the 5% face-to-face teaching rule referred to in paragraph 104 of this statement, was accepted by government it was rolled out across the sector.
111. Below is a timeline that outlines the key phases that led to the return to face-to-face teaching for staff and students:
- **8 January 2021:** as part of wider lockdown, the First Minister announced that the staggered return of students will not begin until February. Before that, students should only return for wellbeing reasons or essential practical placements. All other learning will be online. A submission for the 7 January on the new covid variant is provided, [RL2/24 - INQ000545825]
  - **27 January 2021:** as part of wider lockdown, the First Minister reiterated that the staggered return of students will not begin until February.
  - **4 February 2021:** the first meeting of the Learner Journey Task Force, established to address the immediate challenges in the 2021/22 academic year and consider longer term consequences [RL2/25 - INQ000244026].
  - **2 March 2021:** the Minister for Further Education, Higher Education and Science wrote to principals to outline the arrangements for students returning to colleges and universities including school pupils attending college courses [RL2/26 - INQ000649077].

- **18 March 2021** a ministerial letter was issued to College and University Principals updating on plans for return of more students to in-person learning; extension of testing to staff and to colleges; Easter break arrangements; arrangements to plan for the 21-22 academic year [RL2/27 - INQ000571170].
- **19 March 2021:** a ministerial update letter was issued to the Education & Skills Committee, announcing an increase in the number of students allowed to return to campus, arrangements for asymptomatic testing for staff and students, advice that students should not travel during their Easter break, and the establishment of the Learner Journey Taskforce [RL2/28 - INQ000571172].
- **26 April 2021:** Colleges and universities moved back to the levels system.
- **8 July 2021:** "Beyond Level 0" guidance on the operation of colleges, universities and CLD providers for academic year 2021/22 was published on the gov.scot website. This guidance was developed through the Covid Recovery Group. [RL2/29 - INQ000545829]
- **10 August 2021:** Revised and streamlined guidance for colleges, universities and CLD published. Guidance streamlined to reflect anticipated move to beyond level 0 in new academic year. Institutions able to return with 'baseline measures' designed to minimise the risk of transmission [RL2/30 - INQ000545831].

112. As outlined in paragraphs 97 and 98 above, I played a key role in facilitating guidance for students residing within student accommodation during the pandemic, with the help of information obtained from the Student Accommodation Group. The National Union of Students highlighted the injustice of students having to pay for accommodation that they were not using. In April 2020, as the first lockdown commenced, the Scottish Parliament passed the Coronavirus (Scotland) (No.2) Act 2020 with Royal Assent the following month [RL2/31 - INQ000182817]. Regarding college and university accommodation and Purpose-Built Student Accommodation (PBSA) this made provisions for:



- a 7-day notice period for those who had already entered into a student residential tenancy agreement and had occupied the property;
- a 28-day notice period for those who had already entered into a student residential tenancy but had not yet occupied the property and those agreements entered into while the Act is in force; and
- Students could only terminate tenancies for a reason relating to Covid-19. The provisions of the Act were subject to regular three-monthly reporting to the Scottish Parliament.

113. The Scottish Government issued guidance to student accommodation providers initially as a standalone document in July 2020, stating that all home moves were permitted, provided they could be carried out safely. The guidance, which was put together with input from me and my team, and its subsequent updates, was shaped by the Student Accommodation Group and informed by the latest clinical information which officials presented to the Group [RL2/32 - INQ000545790].

114. In September 2020, amendments to the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 introduced further measures to address the potential risk of parties in student accommodation and the associated spread of the virus [RL2/33 - INQ000649076].

115. In September 2020 guidance on teaching and learning in colleges and universities was merged with accommodation guidance into one uniform set of guidance [RL2/34 - INQ000649073].

116. The guidance produced in 2021 included the option for students to return to term-time accommodation for well-being reasons and with permission from the university. There was also an attempt by the Scottish Government to get clearance from clinicians to relax travel arrangements for students, but they were told they had to remain the same as for the wider population.

117. Thereafter, guidance on student accommodation and travel was updated regularly in light of clinical guidance and the government's approach to international travel and quarantine arrangements.
118. The Coronavirus (Extension and Expiry) (Scotland) Act 2021 terminated, in August 2021, the 7-day notice period as it was no longer considered necessary for the social protection of students [RL2/35 - INQ000649079].

### **Strategies for addressing the negative impacts of remote teaching**

119. The Scottish Government's message to students was that we understood the issues they were facing due to the lockdown, which included additional hardship, problems with accommodation, mental health and digital provision, loss of part-time work, as well as issues faced by international students in Scotland and Scottish students abroad.
120. In April 2020, the Scottish Government published the Student Support Action Plan (SSAP) which set out a range of interventions across Further and Higher Education in response to the Covid-19 pandemic. This included an increase in support via college and university discretionary funds, and suspension of the Student Awards Agency Scotland's (SAAS) debt recovery process [RL2/36 - INQ000649072].
121. Following the publication of that Plan, the Scottish Government continued to engage with students and stakeholders on the impact of Covid-19 through a variety of means, including through regular meetings between Ministers, officials, and stakeholders representing students such as NUS Scotland. In recognition of calls for additional financial support for students in lieu of employment opportunities and limited access to Universal Credit (Higher Education students), a Student Hardship Summer Action Plan (SHSAP) was developed to introduce an additional suite of measures to support students over the summer months [RL2/37 - INQ000245791].
122. In early 2021, the Scottish Government formed two Task Forces:

- i. The Covid-19 Learner Journey Ministerial Task Force – this was established to address the immediate challenges for students in completing their studies in the 2020/21 academic year and then consider the potential future impacts in the 2022/23 academic year, including the longer-term consequences of students completing their qualifications on businesses and the economy [RL2/38 - INQ000649080]
- ii. The Student Hardship Taskforce – this was a short-lived group formed to assess the impact of the Covid-19 pandemic on student hardship and to determine if the mechanisms and measures in place were sufficient to mitigate against student hardship in Further and Higher Education [RL2/39 - INQ000649081].

123. In June 2021, the Coronavirus Discretionary Fund was established to support those students who had been impacted financially by the Covid-19 pandemic. This £20 million Fund was distributed by individual colleges and universities to students and was available until 31 July 2022. Further and Higher Education Discretionary Funds also remained available to support students experiencing financial hardship over the course of their studies during Covid. A Timeline of the financial support made available is detailed below:

- **April 2020:** Emergency funding of £5m for students experiencing hardship, including:
  - additional funding of £2.2m for HE students at college and university via the Discretionary Funds;
  - £2m made available by the Scottish Funding Council to support FE students at college;
  - An emergency fund for students studying at private providers and those studying overseas; and,
  - Removal of limits on the maximum Discretionary Fund award for FE and HE students.
- **June 2020:** £11.4m early access to Discretionary Funds

- Discretionary funds released in June, rather than August for 20/21 academic year to provide financial support over the summer months.
- Institutions allowed to retain unspent funds from the 19/20 academic year.
- **July 2020:** £5m Digital Inclusion Fund - announced to support over 13,000 further, higher and community-based learners to help with the cost of laptops. (£4.75m for 13,000 college/university learners, £250k for 500 community based young adult learners.)
- **December 2020:** £750k to support NUS and student associations on vital welfare support for students in colleges and universities.
- **January 2021:** £4.9m second Discretionary Fund instalment - remaining 20/21 allocation issued to institutions.
- **January 2021:** £30m for student hardship and accommodation issues
  - £20m financial support directly for student hardship related to difficulties with accommodation or challenges in getting paid employment.
  - £10m support to institutions via the Scottish Funding Council for lost revenue because of rent rebates/refunds.
- **January 2021:** £5m made available by SFC following in-year redistribution to support FE students in hardship.
- **March 2021:** Course completion package with additional non-repayable payment of up to £1,600 for up to 16 weeks study for HE students. Additional funding made available to cover support for students who have had to extend their course because of the pandemic.
- **June 2021:** £20m for student hardship via Coronavirus Discretionary Funds – made up of £17m for HE students and £3m for FE students experiencing hardship over the summer months and struggling to meet accommodation and other costs.

### **Support (inc. financial) for student mental health and wellbeing**

124. The 2018 Programme for Government had committed to supporting an additional 80 counsellors across colleges and universities over four years. The Scottish Government maintained progress on this commitment, commencing in

2019/20, to its successful conclusion in academic year 2022/23. At the same time the government continued to fund the NUS Think Positive initiative.

125. In addition to these ongoing commitments, the Scottish Government secured additional Covid consequential monies from the UK government to support the mental health and wellbeing of students during the Pandemic. A further timeline of that support is detailed below:

- **6 November 2020:** £1.39 million announced by the SFC to help students across Scotland to have access to more support to help them deal with the mental health impacts of the coronavirus (Covid-19) pandemic [RL2/40 - INQ000545804].
- **27 January 2021:** £730,250 announced by the SFC of £730,250 to provide additional support for students' associations and unions in colleges and universities for FY 21/22 [RL2/41 - INQ000545805].
- **25 February 2021 (SFC guidance issued in June 2021):** £4.4 million announced by the SFC for the college sector to help colleges to further support student and staff mental health and wellbeing [RL2/42 - INQ000545806].

126. The Scottish Government also worked with the SFC on guidance in relation to this additional support.

### **Funding issues**

127. Providing free tuition for Scottish domiciled students is a core policy of the Scottish Government and it ensures that education in Scotland remains about the ability to learn and not the ability to pay. Students coming to study in Scotland from the rest of the UK would have been expected to pay a tuition fee rate of up to £9,250, which was consistent with the rates charged for study in England at the time. Higher Education Institutions (HEIs) are autonomous bodies with responsibility for managing their own affairs. The Scottish Government and Scottish Ministers cannot intervene in internal matters such

as decisions relating to the reduction or refunding of tuition fees for students from the rest of the UK.

### **Lessons learned and recommendations**

128. There is a lot we need to learn from how we responded to the pandemic and about the impacts.
129. How can we prepare better for similar events in the future, and what lessons can we learn from the impacts of the restrictions put in place to try and contain Covid-19, on our young people and learners both in terms of their learning and social development.
130. We decided that no student should lose out due to the pandemic and additional funding was provided to institutions to allow students to complete their college or university courses if additional time or repeat years were required.
131. We must ensure that future generations benefit from information and insights that we did not have access to when decisions were being made.
132. Key decisions makers and those in elected office with ministerial responsibility, relied heavily on advice from clinicians. All the people I worked with during the pandemic were working in very difficult circumstances under enormous pressures and constant scrutiny.
133. The First Minister and her very close advisers and colleagues were making decisions that were believed to be life and death. I had no direct decision making powers over regulations, but I did have influence on the decisions made. The leadership group I set up operated very effectively and the support measures we brought forward for the sectors were welcomed by the students and the institutions.
134. Overall, the universities, colleges and community learning and development sector responded very well and worked very hard, with much creativity and

huge effort, to support learners that they deeply cared about in very challenging and unprecedented circumstances.

135. The way in which the institutions pivoted to online learning was astonishing. Their collective arrangements for phased return home of students and then phased return to campus was also impressive. Likewise, the introduction of hybrid learning was implemented effectively.
136. However, the lack of face-to-face teaching, mixing with peers, and missing out on the typical experience of college or university, clearly had an impact to varying degrees on learners and we need to understand this in greater detail.
137. I was conscious that many young people missed key milestones in their social development. Many young people never got to properly say goodbye to their peers when leaving school and then never got to enjoy Freshers Week at their college or university. First years were then often left isolating far from home in their halls of residence, without having had an opportunity to make friendships and build reliable connections.
138. Many students were anxious potentially taking the virus home and affecting vulnerable relatives. Others were anxious about their financial predicament given that those that worked part time often did so in hospitality which was closed.
139. I felt sorry that, due to the pandemic, the introduction to student life was not what anyone would have wanted it to be. Campus parties attracted much publicity, and I was conscious that we couldn't allow our young people to be stigmatised as 'superspreaders'.
140. I was aware that, albeit for good reason, we were calling on the universities to clamp down on student parties and gatherings when this was part of ordinary student life. However, most students were very responsible. By November 2020, new student cases identified by the universities accounted for only a tiny per centage of positive cases nationally.

141. It was clear that the lockdown of hundreds of students and halls of residence would be problematic, but the government's top priority was to safeguard students' physical health. I think an important lesson is that mental health is just as important as physical health. With that in mind, I recognise that the earlier introduction of welfare provisions for students would have been beneficial.
142. When such provisions including things like Netflix subscriptions, food parcels, and food trucks etc. were introduced, institutions did a good job of rolling them out to the delight of many students. The issue was the time it took for these things to be put in place. Interventions from myself and others spurred institutions into action and hopefully that is something that wouldn't be required in another pandemic.
143. As I have mentioned, it took some time to persuade the clinicians to consider alternative arrangements to avoid students in flats, and in halls of residence, from having to face consecutive periods of isolation. The regulations focussed on preventing students mixing with each other when the health risk was lower for them, but the objective was of course to prevent spread into the wider population.
144. Looking back, I am not convinced we balanced the harms as well as we thought we had at the time. We were trying to balance the harm of the virus spreading, with the social, emotional and education harm that students would experience as a result of, for example, consecutive periods of isolation. On reflection, I think we skewed more towards preventing the harm of the virus by thinking about students spreading it to others who were more vulnerable than them, and didn't focus as much as we could have on supporting the wider needs of students. Ultimately, I think the only way to learn from the pandemic, and be better prepared for next time, is to continue to learn and understand its impacts on young people and their learning.
145. We now have experience of remote learning, temporary tenancy legislation to protect those in student accommodation, and the management of student halls



in pandemic circumstances amongst other things. That experience, and our reflections thereon, provides us with a strong tool kit, should we find ourselves in a similar situation in the future. I was not involved in any formal analysis of these measures, but such analysis may have been carried out after I left my post as Minister for Further Education, Higher Education and Science.

146. I recommend tracking the covid student generation on a longer-term basis, to fully understand the impact of the pandemic on further and higher education. How many of those students have gotten into positive destinations? How many have managed to secure degree level jobs? Etc. I believe that longer-term data is the key to a better understanding.

### **Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

**Personal Data**

Dated: 25 July 2025