

Witness Name: Neil Rennick

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Exhibits: NR5/001 - NR5/136

Dated: 11 June 2025

UK COVID-19 INQUIRY

MODULE 8

FINAL WITNESS STATEMENT BY THE DIRECTOR GENERAL EDUCATION AND
JUSTICE

In relation to the issues raised by the Rule 9 request dated 06 January 2025 served on the Scottish Government, in connection with Module 8, the Director General for Education and Justice will say as follows:

Part A – Roles and Responsibilities

Directorate Structure

1. The Permanent Secretary is the senior civil servant in Scotland. There are eight portfolio Directors-General (DG) who report to the Permanent Secretary. A Director-General manages a number of Directorates and agencies which are responsible for proposing legislation and putting Scottish Government policy into practice. The Director-General for Education and Justice is Neil Rennick. The direct reporting line for a Director is to their portfolio DG but they also report directly to the Permanent Secretary and to Ministers. The direct reporting line for Deputy Directors is to Directors but they may also report directly to Ministers. Just as Ministers are accountable to Parliament, civil servants are accountable to Ministers. The Directorates with responsibility for matters relating to children and young people in relation to Lifelong Learning and Skills sit within the portfolio remit of the Cabinet Secretary for Education and Skills and the Cabinet Secretary for Justice and Home

Affairs. They form part of the Education, Children and Young People and Justice Directorates which are managed by the DG for Education and Justice. Details of the Education Directorates are set out in the document titled; 'Scottish Government – Module 8 – Rule 9 – Annex A – 15 October 2024' sent to the Inquiry on 15 October 2024.

2. The Lifelong Learning and Skills (LLS) Directorate came into existence in late 2022, as an amalgamation of the pre-existing Advanced Learning and Science (ALS) Directorate with the Skills Division and the staff and functions from the (disbanded) Young Person's Guarantee Division, both of which had been part of the Directorate for Fair Work, Employability and Skills. This statement refers to the work of the Directorate for ALS which sat within the responsibilities of the Director General Education and Justice. The DG is responsible for the strategic management of directorates as outlined in Annex A of the DG Education and Justice Education Statement submitted to the Inquiry on 13 December 2024.
3. The Directors General in post during the specified period are as follows:
 - Education, Communities and Justice
 - Paul Johnston (2015 - March 2021)
 - Education and Justice
 - Joe Griffin (April 2021 - July 2023)
 - Neil Rennick (17 July 2023 - present).
4. A list of Senior Civil Servants (SCS) who held responsibility during the specified period are set out below.

Cabinet Secretaries and Ministers

5. The Cabinet Secretaries who held portfolio responsibility during the specified period were:
 - Cabinet Secretary for Education and Skills
 - John Swinney (May 2016 - May 2021) (also Deputy First Minister)
 - Shirley-Ann Somerville (May 2021 - March 2023).
6. The Ministers with responsibility during the specified period were:
 - Minister for Further Education, Higher Education and Science

- o Richard Lochhead (September 2018 - March 2021)
- Minister for Further Education and Higher Education, Youth Employment and Training
 - o Jamie Hepburn (May 2021 - March 2023).

Directors

7. The Directors with responsibility for the Directorate during the specified period were:

- Director for Advanced Learning and Science
 - o Lorna Gibbs (February 2020 - April 2021)
- Joint Director of Advanced Learning and Science (job share of role)
 - o Stephen Pathirana (April 2021 - January 2024)
 - o Katherine Peskett (April 2021 - January 2024).

8. The Directorate for ALS was responsible for tertiary education policy (Higher and Further Education) and Community Learning and Development (CLD) during the specified period from 1 January 2020 to 28 June 2022, hereinafter referred to as the specified period. ALS led on policy and engagement on tertiary education and associated areas over this period, including ensuring ALS aligned and contributed to a cross-government, cross-sector response to the covid pandemic.

9. Key policy areas included, but were not limited to:

- Student support (including Students Awards Agency Scotland (SAAS)), student equalities and wellbeing
- Higher and Further Education sectoral governance and funding
- National policies on student accommodation
- Community learning and development
- College policy and access to vocational and technical education
- University research
- International students and Higher and Further Education international policy
- Chief Scientific Advisor
- Widening access
- Funding of science centres.

Directorate Responsibilities

10. ALS Directorate also had responsibility for sponsorship of the Scottish Funding Council (SFC), policy responsibility for the Scottish Credit and Qualifications Framework Partnership (SCQF), and responsibility for the funding of the accreditation function of the Scottish Qualifications Authority (SQA). ALS Directorate worked with the SFC in several areas including sectoral funding (including funding allocations to the further and higher education sectors for which SFC is responsible), further education financial student support and monitoring of institutions' performance and sustainability.
11. Prior to the Covid-19 pandemic, the Scottish Government's ALS Directorate worked with the SFC to ensure that the colleges and universities in receipt of public funding continued to deliver on Scottish Government priorities. The Directorate also engaged directly with both sectors on a range of matters of mutual interest.
12. During the Covid-19 Pandemic, ALS Directorate did not lose any of its responsibilities it held before the pandemic. Additional responsibilities added to the Directorate during the pandemic are outlined below:
- Providing guidance to support student, staff and worker wellbeing (financial and other), within the context of wider public health guidance.
 - institutional funding and financial sustainability
 - supporting economic and broader society recovery
 - supporting international students.
- These responsibilities reflected the need to adapt 'business as usual' matters and to focus on areas that were of particular importance during the pandemic.
13. The focus of the ALS Directorate during the specified period was to support the wider public health measures, whilst ensuring finance flowed to institutions and individuals and, as far as possible, the continued delivery of critical learning. This included providing advice to Ministers and the relevant governance advisory groups (as listed later in the statement) on the measures needed to respond appropriately to the pandemic, ensuring the delivery of tertiary education and the implementation of the necessary mitigations in these settings, and ensuring the safety of staff and students/learners throughout. During the specified period, the Directorate's relationship, including the obligations, responsibilities and the limits, with universities and other higher education institutions, reflected the need to work in collaboration to deliver the functions outlined above.

14. From April 2020 to August 2020, ALS implemented an Advanced Learning Covid 'hub' rota. The hub's objectives were to triage, prioritise and coordinate incoming requests from other areas of Scottish Government (such as the Scottish Government Resilience Room (SGoRR)). The hub was operated via a shared mailbox allowing staff from across the Directorate to support this work, including out-with standard working hours. This approach enabled other staff members to focus on ALS specific Covid response priorities. Correspondence and queries from external stakeholders were managed at DG level and triaged to the appropriate teams within the ALS Directorate, as set out in this 'Covid new ways of working' document from April 2020. [NR5/001 - INQ000545828].
15. The below documents set out the priorities of the ALS Directorate, subsequent to changes being implemented as a result of the pandemic. The 'College Policy Work Plan' and 'Safer Studying Key Programme Summary and Stakeholder Engagement' detail the projects and tasks being spread across the Directorate team.
- Provided, [NR5/002 - INQ000545909] and [NR5/003 - INQ000545910]
16. Within the Directorate of ALS, SCS officials had delegated authority to make decisions about the delivery of budgets, projects, and programmes. They did not make key decisions relating to the pandemic response or any significant change in policy or approach. The delegation of financial responsibility and accountable officers are outlined in the Module 2a DG Scottish Exchequer statement submitted to the Inquiry on 23 June 2023, provided [NR5/004 - INQ000216653].
17. In spring of 2021, a specific Covid-19 Recovery Division was created 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 (the '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). The group was chaired by the Minister for Higher and Further Education, Youth Employment and Training and the terms of reference are provided, [NR5/005 - 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, [NR5/006 - INQ000545867].

18. The ALS Directorate had their own Covid Recovery Division (an internal business grouping within the Directorate). It was responsible for reviewing and updating the Higher and Further Education sector, CLD and laboratory guidance. The Covid Recovery Division oversaw the process of scaling back the ALS Directorate response work on Covid-19 in the third quarter of 2022 in line with reduced threat and relaxation of wider societal Covid-19 restrictions. Ad hoc short life working groups were also established to help the sector and learners recover from the pandemic, for example, working to fund and recover from lost learning.

Relationship with universities and other higher education institutions

19. Universities (or Higher Education institutions) are independent, self-governing organisations that undertake research and teaching. They are diverse in size, mission, history, and the range of subjects on offer. Under section 38 of the Further and Higher Education (Scotland) Act 1992; “higher education institution” means:
a body listed under the heading “Institutions formerly eligible for funding by the Scottish Higher Education Funding Council” or under the heading “Other institutions” in Schedule 2 to the Further and Higher Education (Scotland) Act 2005.
20. Colleges (or Further Education Institutions) are tertiary education providers that offer learning opportunities and qualifications in a wide range of vocational and academic subjects at many levels.
21. Higher Education Institutions (HEIs) in Scotland are classified as charitable bodies, not public bodies. They are autonomous, so responsible, within legislation, for setting their own strategy and vision, and for managing and governing their own affairs and

finances. The Directorate, both prior to and during the specified period, engaged with universities through US, and with colleges through CS. This ensured consistency of messaging across universities and colleges throughout the pandemic.

22. Founded in 1992, US is an autonomous national council of Universities UK (the collective voice of 141 universities) representing Scotland's 19 universities. It is financed by the subscription of its member institutions and works on behalf of the Principals and Directors of all 19 Scottish universities. US covers almost all aspects of university education activity in Scotland from teaching and employability to research and knowledge exchange, from widening access to issues of internationalisation, funding, efficiency and governance. More recently US has taken on a policy role in aspects of student and staff wellbeing such as mental health and prevention of gender-based violence, where it can add value to the work of its members.
23. US also works closely with Universities UK on matters that are reserved to Westminster but directly affect universities in Scotland. The UK Research Councils and immigration policy are two key areas that are reserved to Westminster but have a cross-UK impact.
24. CS is the voice of the college sector in Scotland. As the membership organisation, it campaigns, advocates and seeks to influence policy on behalf of the sector.
25. The SFC, through the allocation of public funding is responsible for the coherent provision of both further and higher education, as such both categories of educational institution are answerable to the Scottish Ministers via SFC, however (as independent charitable organisations) universities have a greater degree of autonomy and are only responsible for reporting back to Scottish Ministers on the delivery of SFC funding. The Office for National Statistics (ONS) currently considers the colleges in Scotland that are in receipt of public funds to be "public bodies" for the purposes of ONS classification. This is due, among other things, to the level of government control over the governance and funding arrangements of these bodies. Scottish universities are not considered by the ONS to be public bodies.

26. Throughout the Covid-19 pandemic, Higher Education (HE), Further Education (FE), student accommodation and CLD sectoral guidance was developed through a partnership approach with colleges, universities and CLD providers and trade unions. Whilst Ministers did not use the powers available for FE and HEIs under the UK Coronavirus Act 2020 to compel institutions to take action, the sector agreed to comply with Scottish Government guidance (in addition to complying with wider legislative requirements and wider national guidance).
27. This Act, which gained Royal Assent on 25 March 2020, contained provisions to allow Scottish Ministers to issue a “temporary closure direction” to further and higher education institutions (including accommodation). As set out in schedule 16 (temporary closure of educational institutions and childcare premises), at Part 2, para 8 of the Act.
- (a) required the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;
 - (b) made different provision for different purposes (for example, for different descriptions of people attending an educational establishment);
 - (c) prohibited access in respect of the whole or a specified part of an educational establishment or of relevant premises;
 - (d) prohibited access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;
 - (e) been framed by reference to whatever matters the Scottish Ministers consider appropriate;
 - (f) made transitional, transitory or saving provision;
 - (g) made such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction
28. This paragraph was repealed by section 89(1) of the Coronavirus Act 2020 and the repeal had effect on 24 September 2022.
29. Throughout the Covid-19 pandemic, and in keeping with other parts of the Scottish Government, ALS adopted a partnership working model across directorates, for example, policy directorates covering schools and early years, public health ensuring FE/HE, and CLD sectoral impact was considered where possible, in the creation and implementation of wider Covid-19 policy across the education system etc.

30. In terms of working with arm's length bodies and agencies, ALS Directorate worked closely with SAAS and SFC. SAAS were closely involved in the day-to-day management of the ALS Covid-19 response. SAAS also took responsibility for posting guidance tailored towards the student population on their Student Information Scotland (SIS) website.
31. 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 take action.
32. ALS Directorate 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.
33. In terms of partnership working with arm's length bodies and charities, the Scottish Government continued to work with US, CS, SFC, Youthlink Scotland and the British Council. Prior to the pandemic, the Directorate would have engaged with these organisations in the delivery of its policy remit, as outlined earlier. During the pandemic the Directorate engaged with these organisations in the delivery of the obligations outlined earlier in this statement. These are elaborated further below.
34. In May 2021, ALS Directors agreed to establish a more systematic approach to working with experts and stakeholders to brief Ministers prior to decisions being taken relating to the HE and FE sectors. The approach for obtaining expert advice that was already in place for decisions relating to schools, was adapted for ALS purposes, leading to the establishment of the EAG. In addition to the EAG, which was expected to offer expert advice, ALS also established a Ministerial-led Covid Recovery Group, the membership of these groups is detailed earlier in the statement.
35. ALS worked in partnership with the FE/HE sector, representative bodies such as the National Union of Students (NUS), trade unions, and with officials within DG Health

and Social Care, particularly clinicians, in developing sectoral guidance (as outlined later in this statement) and through other areas such as testing (which also drew upon the support of the NHS and the UK Government), vaccinations and – in overall terms - work to get the balance right in setting out the necessary non-pharmaceutical interventions (such as social distancing, face coverings and ventilation). These organisations were the same ones that the Directorate engaged with on a 'business as usual' basis prior to the onset of the Covid pandemic.

Covid-19 Further Education and Higher Education Ministerial Leadership Group

36. The Covid-19 FE and HE Ministerial Leadership Group was established in April 2020 and met for the first time on 2 April 2020. The Ministerial Group was chaired by the Minister for Further and Higher Education, Richard Lochhead MSP, and was intended to provide an action focused leadership forum for Government and its agencies to come together with the sector and:

- Share information, gather intelligence and discuss the response to key challenges across the tertiary sector as a result of the Covid-19 situation
- Unblock any issues where Government could help do this
- Enable progress, alignment and support the communication of the response across the tertiary sector
- Corral the sector's contribution to the economic and broader civic response
- Begin planning beyond the immediate term/for recovery.

37. The group's terms of reference 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
- Indirect impacts and contributions.

38. 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 are provided, [NR5/007 - INQ000545865].

39. Membership of the group included the Scottish Government, CS, Ayrshire College, West Highland College, City of Glasgow College, St Andrews University, Abertay University, University of Stirling, US, UCU, EIS, Unison, NUS Scotland, SQA, SFC, SAAS, SDS, Community Learning and Development Standards Council, The Open University in Scotland, QAA and Unite Scotland.
40. This group met 17 times, between 2 April 2020 and the final meeting of 11 March 2021.

The Coronavirus (Covid-19): Advanced Learning Recovery Group

41. In May 2021, the Coronavirus (Covid-19): Advanced Learning Recovery Group was formed as one of the two specific groups to continue to sit underneath the Covid-19 Education Recovery Group (CERG) and Coronavirus (Covid-19): Advisory Sub-Group on Education and Children's Issues to provide the university, college and community learning sectors specific support in the response to and recovery from the pandemic.
42. The Coronavirus (Covid-19): Advanced Learning Recovery Group met for the first time, in line with the agreed terms of reference, on 28 May 2021 and held its final meeting on 4 October 2022. The group's purpose was to help develop guidance on the operation of colleges, universities and CLD providers for academic year 2021/22. The group:
- Brought together decision makers and key influencers to ensure the delivery of the work set out in paragraphs 1 to 6 of the terms of reference
 - Provided sectoral leadership and advice to ministers in developing their strategic approach, through considering advice from the Covid-19 Advisory Sub-Group on Universities and Colleges
 - Worked across organisational and structural boundaries to support the response and recovery efforts
 - Was a forum for frank and open discussion about what is working, and feedback on where improvement is required.

43. The group met biweekly and was chaired by the Minister for Higher Education and Further Education, Youth Employment and Training. They group met 25 times, between 28 May 2021 and the final meeting of 4 October 2022.

Coronavirus (Covid-19): Advisory Sub-Group on Universities and Colleges

44. The Coronavirus (Covid-19): Advisory Sub-Group on Universities and Colleges (EAG) was formed in May 2021 and concluded its work on 15 June 2022.
45. The EAG gave detailed consideration to how public health and related scientific advice can be applied to operational implementation.
46. It supported Scottish Ministers and relevant Scottish Government senior officials by:
- Interpreting the Scientific Advisory Group for Emergencies (SAGE) and Covid-19 Advisory Group outputs as well as other emerging scientific and public health evidence, in relation to university and college issues in the context of Scotland
 - Providing expert advice spanning the disciplines of public health, clinical advice, behavioural sciences, economics and statistical modelling, combined with expertise in educational and other issues relevant to universities and colleges
 - Advising Scottish Government, relevant Directorates, and Advanced Learning and Skills Analysis (ALSA) colleagues on taking a strategic approach to identifying, accessing and using data to support SG's understanding of managing Covid-19 risks in university and college settings
 - Providing expert advice, recognising the four harms, to support and inform the development of guidance for universities and colleges, and as an aid to forward planning for both sectors
 - Developing links with other Scottish Government Covid-19 Advisory sub-groups, as appropriate.
47. The EAG was chaired by Professor Carol Tannahill until 14 September 2021, when Professor Linda Bauld took over as Chair until the conclusion of the group's work in June 2022. The group met 20 times.

Other Groups

48. International Students Action Plan Group was attended by officials from Scottish Government, staff from universities and colleges, US, SFC, Brand Scotland, the

British Council and Trade Unions. Senior Civil Servants attended these meetings, and Secretariat was undertaken by civil servants.

49. Coronavirus (Covid-19): FE/HE Student Hardship Task Force included stakeholders such as students, US, CS, SFC, SAAS and the NUS.
50. The Covid-19 Learner Journey Ministerial Task Force was established early in 2021 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 2021/22 academic year, including the longer-term consequences for students completing their qualifications on business and the economy.
51. The Student Hardship Taskforce, established early in 2021, was a short life 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 FE and HE.

Part B – Pre-pandemic Planning

52. 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.
53. 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 FEHE 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 provided below, sets out the overall corporate approach to business continuity, as well as the specific arrangements in place for the Directorate.
54. The ALS Directorate Business Continuity Plan was maintained during the specified period and reviewed and updated by the Directorate Management Team on a regular

basis. A copy of the 2020 Business Continuity Plan has been provided, [NR5/008 - INQ000571189].

55. 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.

Part C – Decision Making in Respect of Further and Higher Education

The initial response to the pandemic

56. Due to the pace of decision-making in the early response period, college and university guidance was based on treating these settings in line with schools. Later in the pandemic, guidance was developed and published for HE/FE institutions specifically, recognising the hybrid learning and workplace elements of college and university campuses. With regard to the question of guidance offered, or directions given, to FE/HE institutions in respect of decisions made to close university facilities or suspend face-to-face teaching in March 2020, the Directorate had powers to do so if required (as described earlier in the statement). However, as previously covered, the Directorate adopted a partnership approach in the development of guidance and other measures taken in response to the pandemic. As described later in the statement, FE/HE institutions complied with all guidance issued. Any grievances or misgivings would have been communicated via the groups described previously.
57. From January to March 2020, discussions regarding the response were coordinated by SGoRR and advice to institutions was led by Public Health Scotland (PHS), formerly Health Protection Scotland, and Health Boards. These discussions with institutions (mainly through US and the SFC) were focused on implementing Scottish Government and PHS decisions on restrictions, rather than on what those restrictions would be. The Director of ALS took up post in February 2020 and frequently attended SGoRR with officials in the Directorate who contributed to its briefings. In advance of that, where possible, an ALS representative attended SGoRR meetings to represent the Directorate.

58. During the period in question, officials held regular ad hoc meetings with the SFC, US and CS. These meetings took the form of update phone calls, were not minuted and formed the basis of the communications that the Directorate held with the sector about their considerations of whether to close all or part of their facilities and to make plans for the delivery of remote education or training.
59. The focus of the Directorate during this period was on 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). Below is a timeline of key milestones that relate to the FE/HE sector during this period.
60. The Directorate did not undertake any formal consideration about instructions targeted towards FE/HE to close during this period. Nor was such undertaken during this period about the ability of FE/HE institutions to close their facilities at short notice and whether there had been adequate planning for FE/HE institutions to be able to close their facilities from 23 March 2020. By that date many institutions had made the unilateral decision to close of their own accord.
61. Decisions made by FE/HE institutions during this period about whether to close part or all of their activities were made independent of Scottish Government directions on the basis of advice (specific to the local circumstances of the institutions in question) provided to them, as provided above. The Directorate did not receive separate information to this about the effect that closures might have on transmission.

Timeline of University and College closures	
Date	Event
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. Provided, [NR5/009 - INQ000545755] , [NR5/009a - INQ000245831].
24 January 2020	Advice issued to Deputy First Minister (DFM) providing an update on the work undertaken within universities, to ensure any practical steps to assist containment are taken. Provided, [NR5/010 - INQ000545757].

31 January 2020	An urgent SGoRR (O) (Scottish Government Resilience Room Officials) meeting was held which included consideration of potential impacts across sectors and business continuity planning. Education officials were in attendance. Provided, [NR5/011 - INQ000080687].
6 February 2020	SGoRR(O) meeting held with business areas. Meeting included a request for business areas to consider business continuity plans and ensure Ministers were sighted on sectoral issues.
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. Provided, [NR5/012 - INQ000520412].
17 February 2020	DFM chaired SGoRR (M) (a Ministerial SGoRR meeting). The agenda included a general SitRep. SitReps are reports compiled by the SGoRR team on the basis of information received from policy areas and partners to create a shared situational awareness, sector updates and a paper providing an update on the latest Reasonable Worst-Case Scenario, which had been developed and received through UK government channels. This included a reference to the potential impact of widespread school closures, highlighting that any prolonged closures would have substantial economic and social consequences, and have a disproportionately large effect on health and social care because of the demographic profile of those employed in these sectors.
26 February 2020	PHS guidance on management of coronavirus in schools and educational settings issued to all schools and education settings. Provided, [NR5/013 - INQ000530288].
26 February 2020	University and College specific update issued to the Minister for Further and Higher Education in advance of a SGoRR meeting. Provided, [NR5/014 - INQ000545758], [NR5/014a - INQ000545759]. The below update was provided: “A toolkit and guidance for universities and colleges has been produced by NHS Scotland and issued to them. Specific guidance for educational institutions is being developed by Health Protection Scotland (HPS) which will be circulated once published. We are currently speaking to SFC regarding further messaging to universities around Business Continuity Planning, although SFC have made the point that they do not

	<p>wish to be placed in a situation where they are looked towards to answer medical queries.</p> <p>The advice to colleges and universities has been that they should contact their local Health Protection teams in the event of suspected cases on campus. As a result of discussion with Heriot-Watt University & a request from PHS, HE and Health officials to discuss reinforcing this message, exploring nuances in handling emerging situations & streamlining less urgent enquiries from institutions through a leadership-level discussion.</p> <p>The number of international students joining pre-clinical degree courses is controlled by the Scottish Government. The 2020/21 intake letter is still in draft form, however with the exception of an additional 25 places for a bespoke programme at the University of Edinburgh, the medical places for our 5 medical schools are the same as the 2019/20 numbers, broken down as follows;</p> <p>Scottish/EU/UK Students: 949 International Students: 64</p> <p>Institutions will be asked again in the 2020/21 intake letter to maintain this level of international students to ensure the NHS has sufficient capacity for clinical training. Against this background, the number of Chinese students is expected to be very small. This conclusion is supported by the most recent Higher Education Statistics Agency (HESA) figures which show very few Chinese students starting a pre-clinical medicine course at Scottish universities in 2018-19."</p>
26 February 2020	<p>Advice issued to Minister on SAAS funded Scottish students who are currently studying out with the UK and possible implications for student support. The submission is provided, [NR5/015 - INQ000545760], [NR5/015a - INQ000245750]</p> <p>SAAS identified a total of 1,200 SAAS funded students who are currently on a study abroad placement. In addition, around 30 students are</p>

	<p>undertaking a full programme of study at an institution abroad. Possibility identified that all of them may need to repeat a year.</p> <p>The advice sets out support action considered by SAAS and higher education institutions.</p>
26 and 27 February 2020	<p>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 [NR5/016 - INQ000545762].</p> <p>The Bill, as drafted at the time, contained provisions to allow Scottish Ministers to issue a “temporary closure direction” to further education institutions. A temporary closure direction is one which prohibits access to an education establishment for a specified period. Ministers could make a direction in relation to a single college or multiple colleges, and could make different provisions for different colleges within the same direction. However, the draft Bill, at the time did not include corresponding powers to close HEIs in Scotland, or in other parts of the UK.</p> <p>Additional powers were also set out in the submission and summarised below:</p> <p>“In order that we are meeting the First Minister’s direction, and aligning our approach with other administrations, we recommend that additional powers in relation to both further education and higher education are needed as follows:</p> <ul style="list-style-type: none"> a) A power to require further and higher education institutions to open at weekends and/or during scheduled holidays in order to accommodate exams if they have to be rescheduled. b) A power to direct further and higher education institutions to allow a pupil or student registered at that institution to sit an exam for which they have been entered.

	<p>c) A power for the SoS to direct further and higher education institutions to take certain steps or refrain from taking certain steps regarding management of Covid 19 [the purpose of this power would be to enable the SoS to respond flexibly to impact across the education and childcare sector and could be informed by CMO/PHE advice].</p> <p>d) A power to direct further and higher education institutions to allow pupils or students from other institutions to take exams in their buildings.</p> <p>e) A power to direct colleges and universities to remain open in the result that either they take their own decisions to unnecessarily temporarily close without advice from Public Health that they need to do so or should Ministers require the ability to use the premises for other means.</p> <p>On Student Financing, we have considered whether we will need provision to enable changes or variations in the terms of student financing to meet additional fees and / or maintenance payments if course lengths are extended. We are content that, should variations be required, these can be managed within the existing regulations or secondary legislation so there is no requirement to include provision within the Bill.”</p> <p>The submission from the 26 February, DFM and Ministerial response is provided, [NR5/016 - INQ000545762], [NR5/017 - INQ000545763], and [NR5/018 - INQ000545764].</p>
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. Provided, [NR5/019 - INQ000261237], [NR5/019a - INQ000261238], and [NR5/019b - INQ000261239].

6 March 2020	SGoRR(O) held. Discussion included the impact of the Worst Reasonable Case Scenario on education including the potential for school and ELC setting closures, staff sickness and national qualifications. Provided, [NR5/020 - INQ000520434]
8 March 2020	Submissions sent to DFM providing further detail on FE and HE provisions proposed to be in the UK Coronavirus Bill and, in particular, recent developments in relation to the powers which the DfE plans to add to the Bill. Provided, [NR5/021 - 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. Provided, [NR5/022– 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. Provided, [NR5/023 - INQ000545769].
19 March 2020	The DFM's statement to parliament on educational setting closures.
20 March 2020	Educational settings close to the majority of learners, in line with the announcement of a national lockdown. By 20 March 2020, HE and FE institutions had already begun to move learning and teaching online but all now began to do so, with attendance on campus only for essential reasons.
23 March 2020	Submission sent to the Minister for Further Education, Higher Education and Science to provide advice on Discretionary Fund support that could be offered to students who are experiencing hardship during the ongoing Covid-19 crisis. Provided, [NR5/024 - INQ000545770], [NR5/024a - INQ000545771].
24 - 26 Mar 2020	Officials worked to ascertain the public health position with regards to students who wished to travel from their term-time to home addresses. Provided, [NR5/025 - INQ000545772] and [NR5/026 - INQ000245796]
24 – 25 Mar 2020	Advice was issued to Ministers setting out options for student hardship action plan. Provided, [NR5/027 - INQ000245626], [NR5/027a - INQ000245627], [NR5/027b - INQ000245628], and [NR5/028 - INQ000545777].

25 March 2020	<p>On 25 March 2020 the UK Coronavirus Act received Royal Assent giving Ministers powers to issue directions to institutions over closures, hygiene measures etc.</p> <p>Ministers did not use the powers available for FE/HE institutions under the UK Coronavirus Act 2020 to compel institutions to take action to close campuses.</p> <p>The sector complied voluntarily with Scottish Government guidance in addition to complying with wider legislative requirements and wider national guidance.</p>
27 March 2020	Ministerial letter to colleges and universities outlining expectations for support to be in place for students and student accommodation providers. Provided, [NR5/029 - INQ000545778], [NR5/029a - INQ000545779], and [NR5/029b - INQ000545780]
8 April 2020	A follow up letter to student accommodation providers was sent by the Minister, on the back of his 27 March letter. Provided, [NR5/030 - INQ000545781].

62. After March 2020, and in order to support decision-making in relation to the pandemic response, the Scottish Government published the 'Coronavirus (Covid-19): framework for decision making' in April 2020, [NR5/031 - INQ000369689]. Later in the year the 'Coronavirus (Covid-19): framework for decision making - assessing the four harms' was published on 11 December 2020, [NR5/032 - INQ000131028]. The frameworks set out the four harms process for assessment used to establish when coronavirus restrictions could be safely lifted after lockdown and the scientific evidence underpinning the decisions. Harm 1 represented the direct impact of Covid-19, harm 2 focused on the indirect impact of Covid-19 on both health and social care services and wider impacts on public health, harm 3 overlapped to some extent with harm 2 with a focus on the wider physical and mental health impacts in society and harm 4 included the direct impact on the economy. The Framework outlines how the four harms are related (health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing). Navigating what seemed to be the best course through the crisis involved considering the scientific and clinical advice available at the time and

taking difficult decisions that sought to balance these various, inter-related harms to minimise overall harm. More information on the four harms is provided within the Module 2A DG Strategy and External Affairs corporate statement, provided to the Inquiry on 23 June 2023. Provided, [NR5/033 - INQ000216655].

63. In line with the overall approach to decision-making during the pandemic, the relevant data and evidence was provided to Cabinet, supported by advice from the CMO, PHS, and once in place through reference to the Four-Harms Framework for Decision Making. An evidence-based approach was taken to decision making using the latest available information at the time.

Data and Evidence Gathering

64. At the early stage of the pandemic, specific governance structures had not yet been set up to support the response. This meant that officials relied on existing mechanisms to gather data and evidence to support advice to Ministers. Data and updates were cascaded to colleagues in DG Education and Justice via the SGoRR sitreps in the early stages. ALS officials worked with analysts to understand the data coming through which was relevant to schools and ELC.
65. Additionally, officials engaged with their counterparts across the UK to understand their approach and share any data/evidence to help ensure that advice to Ministers was able to take account of as much evidence as possible. These took the form of regular (often weekly) phone meetings 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.
66. DG Education and Justice drew data from a range of sources. For example, Covid-19 data on testing and cases was provided by PHS.
67. Institutions, education providers, local authorities and public bodies provided data that allowed officials to understand the real-time impact of Covid-19 on education.

68. The frequency of data collection differed between each area and depending on the number of restrictions in place. For universities some data was collected weekly and others bi-weekly, and frequency depended on whether it was during term-time. Data collected included: known Covid-19 cases, numbers self-isolating and of those, how many were staying in university halls.

69. The principal sources of data for ALS included:

- PHS weekly data including testing and Covid-19 cases. This included weekly data and analysis for education and bespoke analytical contributions (e.g., specific analysis on outbreaks on student halls in December 2020 and October 2021)
- HESA University and SFC College student data (various years)
- Scottish Government University and College Covid-19 Data Collection (biweekly, weekly, ad hoc)
- University Lateral Flow Testing (LFT) Site data and survey feedback from testing leads
- ONS Student Insight Survey
- Student hardship case studies research work
- Qualitative insight from partners including SFC, NUS, CS, US, trades union and accommodation providers
- Expert advice from Scottish Government scientific advisers, SAGE, the Coronavirus (Covid-19): Advisory Sub-Group on Universities and Colleges, and the Education Recovery Group
- Expert advice from clinicians including Scotland's CMO, Deputy Chief Medical Officer (DCMO) and National Clinical Advisor
- Compliance data from Police Scotland and other Scottish Government sources.

70. These data sources formed the basis of the intelligence that the Directorate drew upon in decision-making throughout the specified period, for example the development of further and higher education guidance (although the Directorate also drew upon engagement and discussion with institutions as outlined earlier in the statement). As stated previously, the Directorate did not direct institutions to close or operate on a hybrid basis during the build-up to the national lockdown.

71. As the pandemic developed, the Covid-19 Health Protection Measures also changed, and the data collection evolved to collect the most appropriate data for monitoring and developing policy. For example, the Scottish Government University and College Covid-19 Data Collection as listed below originally ran twice weekly during the start of the 2020-21 academic year (from September 2020) due to an increased number of Covid-19 cases in student halls. The data collection included data on known cases, numbers in halls, and halls affected by new outbreaks. Further detail of the data collection system is outlined below. The focus of data collection evolved at the start of 2021 as limited numbers were on campus and hence it started collecting additional information on those returning and the reasons why. The Scottish Government University and College Covid-19 Data Collection changed again in 2021-22 in response to there being more students on campus, to concentrate on new outbreaks and known issues. Allied to this, financial data was collected in relation to the impact of the 'notice to leave' provisions set out in 'schedule 1, part 1' of the Coronavirus (Scotland) Act 2020 on institutional and Purpose Built Student Accommodation (PBSA) providers. Statistical modelling was carried out by a centralised Scottish Government resource, the Central Analysis Division. Information from this modelling was considered by the relevant governance groups alongside other sources of data and evidence, to inform recommendations. Some specific education scenarios or options were modelled when relevant. Modelling was also used to provide wider understanding to local policy teams and wider stakeholders.

Further detail of the Scottish Government University and College Covid-19 Data Collection system

72. Following the arrival of the second wave of Covid-19, ALSA established a new data collection and monitoring system, to track how many cases of Covid-19 were at each university and college across Scotland, identify any outbreaks, and how the institution was responding to the outbreaks. These data collections captured the following information:

- The new number of students and staff who had tested positive for Covid-19 since the previous collection, and where these cases had occurred (in university-maintained halls, PBSA halls, or out with)
- Which student halls had been affected by new cases
- The total number of students and staff positive Covid-19 cases

- The new number of students and staff self-isolating following exposure to an individual with Covid-19 since the previous collection
- The current total number of students and staff self-isolating following exposure to an individual with Covid-19
- The current number of international students quarantining
- The number of students withdrawing from halls or terminating residency agreements.

73. This data was not published during this time and instead was used internally by the Directorate for monitoring purposes and for reporting to policy and Ministers to keep them up to date with the rapidly changing situation. Given the scale of the initial outbreak, this data collection ran twice weekly, on a Tuesday and a Friday throughout October 2020.

74. This data collection was not used specifically as a sole decision-making tool to inform policy changes (such as keeping facilities open or adopting a hybrid approach).

75. This data was used, along with other information and evidence collected by policy through various channels (e.g. sector meetings and advice from clinicians) to help inform policy decisions.

Impact assessments

76. 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. Impacts on groups, including those with protected characteristics were considered through processes such as the assessments of the four harms. The Scottish Government published impact assessments at various stages of the pandemic which provided insights into the relevant considerations for decision-making. A list of the impact assessments published has been provided later in the statement.

77. When considering the impacts in relation to equalities or protected characteristics officials looked at a wide range of factors such as age, disability, accessibility, additional support needs, sex, wellbeing, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation, marriage or civil partnership,

socio-economic disadvantage, impact on island communities and Gaelic medium education. Officials considered the latest scientific advice available to them at the time as well as input from stakeholders and partners to help understand the potential impacts and consider any mitigations that could reduce negative impacts where possible.

78. An overview of recorded impacts of Covid restrictions on protected characteristic groups from May 2020 can be found later in the statement.
79. The timeline of all key milestones during the period from January – March 2020 is provided in the table above. However, it should be noted that colleges and universities were not specifically directed to close by the Scottish Government until there was a general lockdown announcement on 20 March 2020. Some institutions took the decision to move learning and other activities online in the weeks leading up to the first national lockdown, in response to advice provided by PHS and local Health Boards.
80. When considering FE and HE within the context of possible legislation, including the work to feed into the UK Coronavirus Act 2020, the Directorate anticipated scenarios in which the public health situation would require institutions to close or restrict some in-person activity.
81. Due to the fast-moving situation the Directorate did not produce or hold any planning materials prior to the specified period, beyond the business continuity plan. In terms of the period from January 2020-March 2020, institutions made their own independent decisions about whether to close, as outlined in the table above, on the basis of locally received advice.
82. Officials within the Directorate undertook initial deliberations about how closure might be enforced, if necessary. These deliberations are not recorded but fed into the considerations that led to the powers sought for further and higher education institutions under the 2020 Coronavirus Act, described earlier in this statement.
83. The public health advice that was issued to institutions during the specified period was communicated directly by PHS and NHS Health Boards to HE/FE establishments. During the early stages of the pandemic's arrival in Scotland, advice

from officials focused on the potential impact for Chinese students studying at Scottish institutions.

84. An early submission, provided [NR5/009 - INQ000545755], from Directorate officials to the Minister of Further and Higher Education dated 23 January 2020 states that: “NHS Boards have made contact with their local Universities to ensure local liaison for Chinese students and for lecturer staff working in China. A call between Scottish Government Health Protection Policy Team and Health Protection Scotland (HPS) will take place at 11.30 today. I have asked colleagues in the Health Protection Policy Team if they could ask whether it is possible to see the advice given by NHS Boards to universities (if that advice is generic), and whether there has been any communication or advice issued by HPS to Universities Scotland.

Health Protection Scotland have developed guidance to all clinicians and are in the process of uploading this to their website. We expect this to be available imminently.”

85. A further submission, provided [NR5/010 - INQ000545757], the following day further illustrates the direct advisory role that Health Boards played with institutions, stating that:

“Universities UK are sending to all UK universities guidance that has been received from Health Protection England in relation to what steps they (universities) should take to protect staff and students, and public health more generally. Universities Scotland will amplify this message with their own to institutions in Scotland, based on advice from Health Protection Scotland.”

86. This second submission was in response to a request from the DFM for an update on the work undertaken within universities to ensure individuals are supported and any practical steps to assist containment are taken.

87. The advice states that:

“In terms of specific actions by Universities, it has not been possible to get information from across the entire sector on what steps have been taken, along the lines DFM specifies. I have however asked the Universities of Edinburgh and St Andrews, given that they have significant numbers of Chinese students, to see the guidance they have issued to staff and students. I have done likewise with the University of Dundee, which has an articulation agreement and double degree

arrangement with Wuhan University, and which apparently has been the focus of particular media attention for that reason.”

“All three of these universities have issued guidance to both staff and students. Obviously, there are variations in the guidance, but all include the following:

- Advice to those who have been in those areas where the infection has been reported, and who have developed respiratory symptoms i.e.:
 - Seek medical assistance – by phone, rather than by visiting the surgery or hospital.
 - Stay at home and/or avoid close personal contact with others, and tell others sharing the same accommodation.
- Guidance on travelling to China, including checking UK Government advice on travel first, and avoiding travel to Wuhan unless essential.
- In all cases, the universities have stressed that the risk is low, or that most respiratory diseases in the UK are due to the common cold and other viruses.”

88. After this, generic advice from PHS was issued to education settings on 7 and 26 February 2020, on the coronavirus, including basic protective measures.

89. Advice to Ministers on the 26 February 2020 guidance states that:

“A toolkit and guidance for universities and colleges has been produced by NHS Scotland and issued to them. Specific guidance for educational institutions is being developed by Health Protection Scotland (HPS) which will be circulated once published. We are currently speaking to SFC regarding further messaging to universities around Business Continuity Planning, although SFC have made the point that they do not wish to be placed in a situation where they are looked towards to answering medical queries.

The advice to colleges and universities has been that they should contact their local Health Protection teams in the event of suspected cases on campus. As a result of discussion with Heriot-Watt University & a request from Health Protection Scotland, HE and Health officials to discuss reinforcing this message, exploring nuances in handling emerging situations & streamlining less urgent enquiries from institutions through a leadership-level discussion”.

90. Due to the pace of events, the Directorate did not carry out any work between January and March 2020 to understand and/or consider what might need to be done in order that further and higher education facilities could stay open. Any deliberations that the Directorate did carry out are outlined above.

91. Apart from the actions outlined in the table above, the Directorate did not carry out any assessment between January and March 2020 to understand:

- The ability of FE and HE institutions to provide education and training remotely in the event that they would have to close
- What steps could be taken to ensure that young people could continue to access education and training in the event that FE and HE had to close
- The infrastructure or technology that was available to FE and HE institutions, in the event that further and higher education has to provide education and training online
- What impact the closure of FE and HE facilities might have on young people.

92. Subsequent to the 20 March 2020 announcement of the national lockdown, interventions undertaken by the Minister for Further Education, Higher Education and Science are outlined below.

Consideration of the ability of FE/HE institutions to provide education and training remotely

93. With regards to institutions ability to provide remote learning, as set out earlier, the Covid-19 Further Education and Higher Education Ministerial Leadership Group was established in April 2020, in order to:

- Share information, gather intelligence and discuss the response to key challenges across the tertiary sector as a result of the Covid-19 situation
- Unblock any issues where Government could help do this
- Enable progress, alignment and support the communication of the response across the tertiary sector.

94. The Directorate also worked closely with the SFC, and many other stakeholders (as detailed in the plan) in the FE and HE sectors to produce the Further and Higher Education Sustainability Plan. [NR5/034 - INQ000545911].
95. This plan was produced in recognition of the economic and social importance of these institutions as educators, innovators and major employers”, as recognised by the report of the Advisory Group on Economic Recovery. The SFC projections for Scottish colleges forecast losses at that point in time, with the majority of colleges forecasting deficits in Academic Year (AY) 2019-20. The impact in AY 2020-21 was expected to be even more severe.
96. This plan brought together the key immediate actions SG took but recognised that further support and actions would be necessary once the full impact of the pandemic was apparent so that colleges and universities could come through the unprecedented crisis and be key players in the nation’s recovery.
97. Following the publication of the plan, the Directorate continued to work closely with the sectors and SFC to support the delivery of FE and HE through the 2021-22 budget (which was delayed until late January 2021). In that budget the Scottish Government confirmed, as a priority for colleges, Education and Skills covid funding to support mental health and digital access and confirmed up to £10 million for the Young Person’s Guarantee.
98. In the 2021-22 budget the college net resource line was also increased. This uplift was to support sustainability of the sector and help mitigate against the effects of the pandemic including recognising the disruption to learning and teaching due to Covid 19. For universities, the Scottish Government prioritised Education and Skills portfolio covid funding to support the transition of graduate apprenticeship funding from SDS to SFC [£7 million]. Scottish Government also provided funding to support the additional SQA places in 2021/22 although it was not visible on the face of the budget.

Access to education and training in the event of HE/FE closures

99. In addition to the work of the Ministerial Leadership Group, outlined above, the Covid-19 Learner Journey Ministerial Task Force was established as outlined on the

submission to Ministers [NR5/035 - 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”.

Impact closures might have on young people

100. On 23 March 2020, advice was sent to the Minister for Further and Higher Education on Discretionary Fund support that could be offered to students who are experiencing hardship during the ongoing Covid-19 crisis. Provided, [NR5/024 - INQ000545770]. This advice focused on options pertaining to Discretionary Funding/emergency funding, stating that additional support options are being considered by officials as a matter of urgency and further advice will be provided ahead of the Minister’s meeting with NUS Scotland on 25 March.

Outputs from these considerations

101. On 27 March 2020 a letter was issued to university and colleges from the Minister for Further Education, Higher Education and Science, outlining the Scottish Government’s expectations with regards to student movement and the support that should be in place for them during this period, [NR5/029 - INQ000545778]. This letter provided:
- “students remaining at college and university accommodation should stay where they are and not attempt to travel home, even if that is to another part of Scotland. This is in line with medical directives across all four UK nations. Whether they are living in student halls, or private rented accommodation, they should remain there and stay indoors while current restrictions are in force. I understand that this is a worrying time, and many students will want to be with their families. But staying put in accommodation and adhering to the directives issued by the Chief Medical Officer and the Scottish and UK Governments is the best way to slow the rate of transmission of Covid-19, protect our NHS from being overwhelmed and save lives.

I am sure that, as institutions and providers, you will continue to provide those students who remain in university, college or private sector student accommodation with the vital support and services (such as catering, Wifi and enhanced cleaning) and security of accommodation they will need).

I am grateful to you for the work already undertaken to support student mental health and wellbeing, and trust that wellbeing and counselling services in institutions will continue to function using online and other platforms during this immensely difficult time. I am also aware that other students, may have already left their accommodation to be with family, friends and loved ones, before the current conditions were announced but could also still benefit from being able to access these services should they choose to.”

102. On 8 April, the Minister then sent another letter, provided [NR5/030 - INQ000545781], addressed directly to private accommodation providers, stating: “I welcome the steps many institutional and private providers have already decided to take, to allow students who have returned home to break their agreements early with no penalties, and for making provision for students to extend their stay. Those actions are helping and supporting our students at this crucial time. It is an approach that is having a direct and beneficial impact on student’s lives. I would urge that every private provider of student accommodation, alongside university and college providers, looks at what they can do in this area to support Scotland’s students.

Whilst the Scottish Government is taking robust action to ensure continuity of financial support during this unprecedented situation, many students will have lost the part-time work they rely on to support them financially. That is why I am writing to you, to reiterate my request that you treat students sympathetically in the action you can take in relation to their accommodation issues. I would urge you to ensure that students are not disadvantaged.

By helping and supporting our students you are making a huge contribution to our collective efforts as we deal with Covid-19.

I would also welcome providers sharing with my officials through the Association For Student Residential Accommodation (ASRA), steps being taken in relation to their student accommodation.”

103. Subsequently in April 2020, the Scottish Government published the Student Support Action Plan (SSAP) [NR5/027 - INQ000245626], which set out a range of interventions across FE and HE in response to the Covid-19 pandemic. This set out a range of interventions across FE and HE in response to the Covid-19 pandemic. This included an increase in support via college and university discretionary funds and suspension of the SAAS debt recovery process.

104. 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 Ministers and officials having regular meetings with 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.

105. In early 2021, the Scottish Government formed two Task Forces as detailed earlier in this statement:

- The Covid-19 Learner Journey Ministerial Task Force 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 2021/22 academic year, including the longer-term consequences for students completing their qualifications on business and the economy
- The Student Hardship Taskforce was a short life 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 FE and HE.

106. 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. Details of the amounts paid to further and higher education institutions are provided here: [NR5/036 - INQ000545936],

[NR5/037 - INQ000545937]. Further details on the fund are outlined later in the statement.

107. FE and HE Discretionary Funds also remained available to support students experiencing financial hardship over the course of their studies during Covid.

The infrastructure or technology available

108. In order to meet the remote learning needs of students, the Directorate introduced a £5m Digital Inclusion Fund in July 2020 to support over 13,000 FE, HE and community-based learners to help with the costs of laptops.
109. As part of the work on digital inclusion it was recognised that Wi-Fi was a barrier to learning for some learners during the pandemic however as a result 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.

Announcement of a National Lockdown

110. Travel Guidance was issued to students in March 2020, informed by the wider travel restrictions in place under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 SSI 2020/103 (hereinafter referred to as the 2020 regulations), for example, around arrangements to collect belongings. The 2020 Regulations/103 contained, "Restrictions on movement". This provided, at regulation 5(1) that, "except to the extent that a defence would be available under regulation 8(4), during the emergency period, no person may leave the place where they are living." This provision came into force on 26 March 2020. Travel guidance was published on the SAAS web site. The guidance stated that: "People in Scotland should not move unless reasonably necessary. You should therefore not move accommodation and return home unless the move is unavoidable."
111. International students at the start of the pandemic in March 2020 were advised to follow the general advice as outlined below. In addition, home students over 18 due to go on an outward mobility exchange to study or work were advised to keep in contact with the organising body - their university, British Council, Fulbright US-UK Commission - for the latest information on their programme, including cancellation,

postponement and, if applicable, refund and reimbursement policies and to check the latest travel advice about their destination countries via the Foreign and Commonwealth website. Those under 18 were advised not to travel.

112. The Minister for Further Education, Higher Education and Science represented the interests of education at the SGoRR(M) meeting on 17 February 2020. As outlined earlier in this statement due to the pace of decision making in the early response period, college and university guidance was based on treating these settings in line with schools. Young people attending further and higher education were not considered as a separate group to those attending other education settings in the decision to announce the first national lockdown.

113. The ALS Directorate was aware of the number of young people living in halls of residence and PBSA, on the basis of historic HESA data. This data showed that typically, it would be expected around 45,000 students would be staying in student halls or PBSAs. Top level data is now published by HESA, provided, [NR5/038 - INQ000545785].

114. When the new term started in September 2020 and outbreaks occurred, analysts started collecting data on halls occupancy rates and any outbreaks in halls. PHS also published two reports in December 2020 on Covid in university accommodation settings and student perspectives of self-isolation, provided [NR5/039 - INQ000571149] and [NR5/040 - INQ000189322]. Analysts also collected data about the number of students who had terminated their residency agreements.

Winter 2020 data collection and modelling

115. As December 2020 approached, in recognition of the fact that most students in university accommodation would wish to travel home for winter, to homes elsewhere in Scotland and internationally, presenting a risk to the spread of Covid-19 over the winter break, ALSA worked with the Covid-19 modelling team to provide data from both the HESA and the Further Education Statistics (FES) along with data from the Covid-19 data collection from universities and colleges to inform the modelling of a mass movement of students over this period. Data was also collected (via SFC) from providers for the number of students heading home for the winter break. ALSA used

this data to provide analytical support on the number of students who would require LFT Covid testing prior to leaving campus for the winter. An analytical narrative is provided, [NR5/041 - INQ000545788].

116. Universities and some colleges provide accommodation for students, typically halls of residence. In addition, student accommodation is also provided through PBSA, largely built and managed by the private sector. Most, but not all of accommodation providers, are members of ASRA. Guidance for all providers was developed through the Student Accommodation Group, issued at the beginning of the Pandemic, and updated throughout.
117. The Scottish Government had a good level of information from institutions on their own student accommodation and outbreaks in their halls as they had direct control over these halls. However, PBSAs are not managed by universities. As such, there was a gap in knowledge with this category of accommodation. Working with policy, ALSA reached out to the private companies to fill this identified gap.
118. In the summer of 2021 analysts also used the HESA data to do detailed analysis of postcodes (as described in the following paragraph) attached to student halls. This analysis allowed PHS to refine work on student campus outbreaks which was published in October 2021 through their weekly Covid release. Provided, [NR5/042 - INQ000545789].
119. Health teams had the address of known outbreaks, including postcodes. Scottish Government analysts had details of historic student addresses, along with proxy information on key halls of residences. Analysts were able to drill into the raw historic HESA data and look at postcodes of students to pull out a look-up of all postcodes in Scotland that were either part of a student hall, or likely part of a student hall due to the number of students living there. This analysis was provided to health teams for the more detailed analysis work carried out on outbreaks in halls (which was subsequently published).
120. Scottish Government's consideration of the needs of the young people living in student accommodation fed into the below actions:
- In April 2020, as the first lockdown commenced, the Scottish Parliament passed the Coronavirus (Scotland) (No.2) Act 2020 with Royal Assent on 26 May 2020.

With regard to college and university accommodation and PBSA this made provisions for:

- o a 7-day notice period for those who had already entered into a student residential tenancy agreement and had occupied the property Schedule 1, Part 1, para 3(2)(b)(i).
- o 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 Schedule 1, Part 1, para 3(2)(b)(ii).
- o Paragraph 2(1) of Part 1 of schedule 1 of the Coronavirus (Scotland) (No. 2) Act 2020 set out that a student residential tenancy could be brought to an end for a reason relating to coronavirus, provided notice requirements were fulfilled. Those requirements were set out in paragraph 3 and what 'the minimum notice period' meant was set out at 3(2).
- o Reports by the Scottish Ministers and the reporting period within which those reports were to be prepared was set out in section 12(4).

121. The Scottish Government issued guidance to student accommodation providers initially as a standalone document in July 2020, which touched upon the expectations around food and wellbeing, provided [NR5/043 - INQ000545790]. The Guidance and its subsequent updates were shaped by the Student Accommodation Group and informed by the latest clinical information which officials presented to the Group.

122. In August 2020, amendments to the 2020 Regulations introduced further measures to address the potential risk of parties in student accommodation and the spread of the virus. The 2020 Regulations were repealed on September 14, 2020, by regulation 18 and schedule 2 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 SSI 2020/279.

123. Regulation 6ZA of the 2020 Regulations provided for a restriction on parties in private dwellings. A "private dwelling" was defined as including "student accommodation, within the meaning of paragraph 11(5) of schedule 16 of the Coronavirus Act 2020. This had been added by the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No.13) Regulations 2020/261 at regulation 2(3). This came into force on 28 August 2020.

124. In September 2020, guidance on teaching and learning in colleges and universities was merged with accommodation guidance into one uniform set of guidance.
125. 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. Section 2(8)(a)(i) of the Coronavirus (Extension and Expiry) (Scotland) Act 2021 repealed (subject to savings specified in s.2(9) and (10), the 7-day notice period. This came into force on 1 October 2021.
126. The rationale for the repeal is outlined in the Ministerial submission to Ministers in June 2021, provided [NR5/044 - INQ000545906]. The provisions related to halls of residence and PBSA contained in the submission are:
- “Student residential tenancies (in halls of residence and PBSA) tend to be for academic years. Many students who entered a student residential tenancy before 27 May 2020, and sought to terminate their lease, are likely to have already exercised their right to a 7-day notice period in 2020/21. While there was an urgent need for this notice period in May 2020, this is now reduced as many will have already exercised these rights (the Fourth Report to Parliament, December 2020, advised that 21% of the notices to leave related to the 7-day notice period, with the remainder (79%) related to the twenty-eight day notice period for the period May to mid-November 2020).
 - In addition, students in academic years 20/21 and 21/22 will, to varying extents, have been able to adjust their approach to student accommodation in light of the effects of the pandemic and increased remote learning undertaken by institutions. Officials, anticipate that the number of students exercising their right to terminate their student residential tenancy after September 2021 will be lower than the last academic year.”
127. In addition, the continuation of the 7-day notice period, as distinct and severable from the 28-day notice period, could be susceptible to challenge under A1P1 (Article 1, Protocol 1 of the Human Rights Act 1998: [NR5/045 - INQ000545913].
128. The Coronavirus (Scotland) (No. 2) Act 2020 (Suspension: Termination of Student Residential Tenancy) Regulations 2022 SSI 2022/192 suspended the

provisions in relation to the 28-day notice to leave periods for students in halls and PBSA on 1 July 2022.

129. A Student Accommodation Group was established by the Directorate in April 2020, bringing together Scottish Government officials, institutional and PBSA providers and sector representative bodies. The Group, which the Scottish Government provided secretariat support to, met regularly on a bi-monthly and monthly basis. These regular meetings provided a forum for partners to share with Scottish Government their own challenges in running accommodation and, for NUS Scotland, the opportunity to articulate student experiences and concerns and as a source of advice for officials as actions were developed to combat the virus and keep students safe.

Assessments on the impact of closing higher and further education

130. Formal impact assessments could not always be taken ahead of decision making due to the fast-moving nature of the pandemic and the pace of decision making. The four harms assessments, enabled impacts to be discussed in relation to the four harms, including groups with protected characteristics. Impact assessments were published at various stages of the pandemic by the Scottish Government, providing insights into the relevant considerations for decision-making. For example, the Equality and Fairer Scotland Impact Assessments for the Covid-19 Framework for Decision Making, published in July and December 2020, included assessment of the impact of both the closure and re-opening of universities and colleges and community learning provision.
131. In the early stages of the Covid pandemic (May 2020) officials responded to a Scottish Government wide exercise requesting an overview of evidence that may feed into a future impact assessment. An example of the return is provided, [NR5/046 - INQ000545791]. In May 2020, an Equality Impact Assessment was published for the Coronavirus (Scotland) (No. 2) Bill, which included provisions relevant to university and college accommodation.
132. Following the designation of Stirling and St Andrews Universities as managed isolation facilities on 13 August 2021, following the process outlined later in the statement, officials retrospectively drafted several Impact Assessments to

accompany this policy and the supporting regulations, touching upon the attainment, wellbeing and mental health and the immediate practical impact in respect of accommodation, finances and travel of young people in FE and HE. Provided, [NR5/047 - INQ000545792], [NR5/048 - INQ000197387], and [NR5/049 - INQ000182895]. The final published impact assessments are provided, [NR5/050 - INQ000183066].

133. Subsequently, in the process of preparing for the FE and HE elements of the Coronavirus (Recovery and Reform) (Scotland) Act 2022, the ALS Directorate contributed to impact assessments, detailing the impacts of FE/HE restrictions on protected characteristic groups and other areas of society. These touched upon the immediate practical impact in respect of accommodation, attainment finances and travel. These contributions are provided, [NR5/051 - INQ000545796], [NR5/052 - INQ000545797], and [NR5/053 - INQ000545798].

134. The Directorate also contributed towards the impact assessments that were provided as part of the Scottish Government's February 2022 Strategic Framework Update, co-ordinated by the Covid Exit Strategy Team. These touch upon the attainment, wellbeing and mental health and the immediate practical impact in respect of accommodation, finances and travel of young people in FE and HE.

135. The Impact Assessments relevant to Scottish Government's February 2022 Strategic Framework update, are below:

- Coronavirus (Covid-19): Strategic Framework update February 2022 – equalities and fairer Scotland impact assessment, provided [NR5/054 - INQ000545799]
- Coronavirus (Covid-19): Strategic Framework update February 2022 – child rights and wellbeing impact assessment, provided [NR5/055 - INQ000545801].

136. The specific impact assessments containing contributions from the Directorate were the Children's Rights and Wellbeing and Equalities Impact Assessments, provided [NR5/056 - INQ000182892] and [NR5/057 - INQ000182890].

137. In the build-up to the March 2020 lockdown, universities worked directly with the NHS regarding the decisions they took to manage the spread of the virus. Institutions co-operated with all guidance that the Directorate set out, however it was for them to interpret this and put it into practice for their own local circumstances. Subsequently

and, throughout the remaining period of the Covid pandemic, further and HEIs followed public health advice and worked collaboratively with the Scottish Government in the development and implementation of guidance.

138. Below is an outline of relevant findings from these impact assessments and other relevant sources of information.

Wellbeing and mental health

139. Considerations around this matter are reflected in the FE/HE contribution to the Children's Rights and Wellbeing impact assessment collated as part of the preparatory work for the Covid Reform and Recovery Act (2022) cited above.

140. This states that:

"Information about the impact of recent Covid-19 restrictions on children and young people has been collated by the Scottish Government's Coronavirus (COVID-19): Advisory Sub-Group on Universities and Colleges which considered how public health and related scientific advice can be applied to operational implementation.

This group considered an evidence paper, demonstrating the impacts the recent COVID-19 pandemic had on student wellbeing, across the whole of Scotland. This included:

- the Impact on our way of living and society;
- safety/child protection;
- education and skills;
- financial security and poverty;
- social capital, isolation and loneliness;

This paper demonstrates other measures whereby students and other young population groups may have been negatively impacted by recent Covid restrictions.

The Group also considered an evidence paper published by University College London on 'mitigating the impacts of COVID-19 on higher education'. This rapid review assesses the published research evidence on what we currently know about the nature of the harms associated with the COVID-19 pandemic on higher education institutions in the UK. It focuses on teaching, learning and research in universities and their connections with the communities they serve. Thirty-eight studies of harms

associated with higher education are included in the review, documenting a deepening of inequalities associated with access and participation, harms associated with mental health and wellbeing, alterations in learning and teaching, disrupted research agendas, difficulties in planning and management, and anxieties about future work prospects. There are indications of concern at increased levels of gender-based violence, although no substantial data on this theme.

US have also submitted evidence to the SG Covid 19 Advisory Sub-Group on Universities and Colleges, citing a number of negative impacts on the learning of Scottish university students, such as:

- Social skills deficits, especially in younger students (e.g., those aged 14-16 when the pandemic started), both in social settings and in learning.
- Some students starting to disengage with online learning.
- More placements now but have lost some of these learning opportunities.
- Need to make up practical skills (e.g., wet labs) for some students to avoid employability issues longer term.

The group also met with the NUS and other student representatives, during which they expressed the below concerns:

- Students on practical courses were significantly impacted by the pandemic. There is particular concern for students requiring placements to complete their studies. Institutions are prioritising these students for in-person learning.
- Students who are not on practical courses are being disadvantaged and are receiving less in-person teaching and socialising.
- Students are demanding more in-person teaching and on campus socialising. The pandemic demonstrated that many elements of university courses can be delivered online.
- College and university students are confused about Covid-19 rules. Some students are anxious about breaking restrictions due to guidance changes during the course of the pandemic. The difference between Covid rules in high schools and on college campus is exacerbating this confusion.
- The pandemic has been isolating for many students leading to fewer developed friendships. Social reintegration of students on campus for in-person learning and socialising is challenging. This is damaging the social development of many

younger adults. Some college students are not getting opportunities to question lecturers or peers through online learning and are missing out on social skill development necessary for university and employment. This is affecting student mental health.

In addition, the Mental Health Foundation published the Thriving Learners study, on 18 November 2021, which aims to gain an understanding of the mental health and wellbeing of learners. This first stage of the study focussed on HE students, with a focus on FE students to follow. The majority of respondents to the survey felt that the pandemic had had an impact on their experience of university life: over four-fifths (82.8%) felt that they had not benefitted from the full student experience due to the pandemic and nearly four-fifths (78.6%) felt that the pandemic had negatively impacted their studies. Respondents were also asked questions about their general health and exercise levels. The mean of respondents sits within the 'Low' wellbeing level compared with national mean sitting within the 'Moderate' wellbeing level.

This further illustrates the impact that Covid restrictions had on the quality of their learning experience. Should Ministers decide to use their powers under this legislation, it is possible that this negative impact on mental health and wellbeing could be exacerbated, particularly during prolonged periods of online only learning or restricted access to campus or student accommodation. If powers are used to restrict access to campus, it is also possible that students will be restricted in their access to in-person support (such as in-person counselling or student welfare advisers). Students may therefore have to rely on virtual support.

The Scottish Government is committed to developing a Student Mental Health Action Plan. The findings of the Thriving Learners Survey, together with evaluation evidence and consultation with stakeholders will help inform that.”

141. The Directorate’s contribution towards the Children’s Rights and Wellbeing Impact Assessment for the Scottish Government’s February 2022 Strategic Framework Update (cited above) states that:

“Student representatives all reported that because of the pandemic’s cumulative impact on student learning, restoring more face-to-face learning provision on campus is increasingly important to ensure that course progression is maintained. The

National Union of Students' Coronavirus Student Survey Phase 3, in November 2020, sampled the views of over 4,000 students in Scotland and highlighted the deficit in practical skills and a need to take steps to avoid longer term employability issues for affected students as it might lead to future challenges in the workplace including students not having the required level of skills and experience when looking for a job. In addition, more than half of the students surveyed indicated their mental health was worse than it was pre-Covid and cited a number of challenging wellbeing issues including isolation, loneliness, anxiety, inability to make new friends and depression. Other findings from the survey include that 75% of surveyed students were missing social interactions with their peers and also staff;

There has been a cumulative impact on mental health during this third academic year of disruption affecting many students and learners' capacity to progress. The Thriving Learners report published in November 2021 by the Mental Health Foundation showed 74% of the more than 15,000 students surveyed had low wellbeing and more students were dissatisfied with their learning than satisfied; nearly 20% of students had had suicidal ideation in the six months prior to the survey. In rural student halls, it was reported that deterioration in mental health has contributed to an increase in substance misuse."

142. The FE/HE contributions by the Directorate to the Children's Rights and Wellbeing and Fairer Scotland impact assessments collated as part of the preparatory work for the Coronavirus (Recovery and Reform) (Scotland) Act 2022 considered the possible negative impacts of future restrictions (should they be enforced under this Act) without having access to specific evidence to draw upon as detailed above.

143. Actions taken in relation to the wellbeing and mental health and students are further outlined in the impacts later in this statement.

Accommodation

144. The impact assessments for the designation of Stirling and St Andrews Universities as managed isolation facilities on 13 August 2021 are exhibited above. Officials retrospectively drafted several Impact Assessments to accompany this policy and the supporting regulations all relate to a policy intended to allow

international higher education students attending St Andrews University and Stirling University and arriving from or having travelled through within the previous 10 days a red list country to undertake self-isolation in student accommodation. As such these are all relevant to the question of practical impacts on student accommodation.

Finances

145. Finances are not directly addressed under these impact assessments. Actions taken in relation to the wellbeing and mental health of students are further outlined later in this statement.

146. SAAS, as the agency responsible for ensuring that Scottish students have the correct information, support and funding produced a submission to the Minister for Further Education, Higher Education and Science on 15 June 2021, setting out some set of student hardship analysis, provided [NR5/058 - INQ000545895].

147. The submission states that:

“In May 2020, the Scottish Government committed to undertake a research project to better understand the range of hardship issues being experienced by college and university students in Scotland.

The research project took place between May and August 2020 and comprised of:

- (a) evidence gathering with institutions (universities) and third sector organisations;
- and
- (b) research interviews with students.

Students from universities and colleges were chosen for interview to capture a mix of different characteristics (e.g. working students, students with caring responsibilities, EU and international students, care experienced, gender and disability/ additional learning needs).

It should be noted that the research was qualitative and was therefore not designed to produce results which are representative of the student population in Scotland as a whole.

Summary findings of the research are as follows:

- Most students interviewed have experienced some form of financial hardship. This would typically have resulted from a combination of loss of employment or the inability to secure a job over the summer as well as inadequate financial support over the lockdown period.
- The level of hardship differed widely between students, with some being able to cope and others facing severe hardship, pushing them into a spiral of debt.
- Students in the most precarious circumstances tended to have limited or no access to informal financial and emotional support networks. These would include international, estranged and care experienced students.

SAAS also sent a ministerial submission to the Minister for Higher and Further Education, Youth Employment and Training and the Cabinet Secretary for Education and Skills around the same time, setting out demands on the payment of Further and Higher Education discretionary funds paid out to colleges and universities. This states that “The impact of Covid-19 on the student population in Scotland has been significant with ongoing concerns raised relating to student hardship. All Further (FE) and Higher Education (HE) bursaries, grants and loans have continued to be paid as planned, but this unprecedented situation has reportedly increased hardship. This is mainly due to the impact of lockdown and the loss of employment opportunities for students. Many students would be relying on part-time employment to supplement their income. Discretionary Funds are issued to colleges and universities each year for them to support Scottish domiciled and UK students who incur financial hardship.” Provided, [NR5/059 - INQ000545896].

Travel

148. Travel is not directly addressed under these impact assessments, however considerations around the travel needs for students are described throughout this statement.
149. Actions taken with regard to student travel during this period are outlined below:
- In March 2020, Travel Guidance was issued to students and published on the SAAS website, including arrangements around collecting belongings. The guidance outlined that people should not move accommodation or return home unless the move was unavoidable

- In April 2020, the Coronavirus (Scotland) (No.2) Act 2020 was passed by Parliament which made provisions for the notice periods for college and university accommodation and PBSA for students
- In July 2020, the Scottish Government issued guidance to student accommodation providers on home moves being permitted if they could be carried out safely
- In September 2020, amendments to the 2020 Regulations introduced further measures to address the potential risk of parties in student accommodation and the associated spread of the virus
- In September 2020, accommodation and teaching and learning in colleges and universities guidance was merged into single guidance
- The guidance produced in 2021 included the option for students to return to term-time accommodation for well-being reasons, with permission from the university. Scottish Government also attempted to get clearance from clinicians to relax travel arrangements for students but were advised this had to remain the same as for the wider population
- Thereafter, guidance on student accommodation and travel was updated regularly considering clinical guidance, in line with the phased approach of the Scottish Government through and out of the Pandemic and wider UK Government provisions in relation to international travel and quarantine.

Guidance

150. Below is an overview of all published guidance, along with a description for the context of their development:
- Travel Guidance was issued to students in March 2020, informed by the wider travel restrictions in place under the 2020 Regulations, for example, around arrangements to collect belongings. Travel guidance was published on the SAAS web site. The guidance stated that: "People in Scotland should not move unless reasonably necessary. You should therefore not move accommodation and return home unless the move is unavoidable" [NR5/060 - INQ000545912]
 - International students at the start of the pandemic in March 2020 were advised to follow the general advice as outlined below. In addition, home students over 18 due to go on an outward mobility exchange to study or work were advised to keep in contact with the organising body - their university, the British Council, Fulbright US-UK Commission - for the latest information on their programme, including

cancellation, postponement and, if applicable, refund and reimbursement policies; check the latest travel advice about their destination countries via the Foreign and Commonwealth website. Those who are under 18 were advised not to travel.

- 21 May 2020 - Ministerial letter to FE and HE institutions, outlining planned route out of pandemic. Provided, [NR5/061 - INQ000545808].
- 29 June 2020 - Following Scottish Government's route map through and out of the crisis, separate guidance for college and universities was published setting out the need to minimise numbers of students on campus and the mitigations (physical distancing, enhanced hygiene etc) expected to be in place to minimise risk of virus transmission. Blended learning model in place with remote teaching. The guidance is provided, [NR5/060 - INQ000545912]. A submission on safer workplace guidance for colleges is also provided, [NR5/063 - INQ000545810].
- July 2020 – Scottish Government issued guidance to student accommodation providers initially as a standalone document, [NR5/043 - INQ000545790]. The Guidance and its subsequent updates were shaped by the Student Accommodation Group and informed by the latest clinical information which officials presented to the Group.
- 5 August 2020 - Guidance on safe re-opening during the coronavirus pandemic for college, university and PBSA. Provided, [NR5/064 - INQ000545814]
- 7 August 2020 - Guidance updated to reflect new face covering guidance. Provided, [NR5/065 - INQ000545815]
- 19 August 2020 - Updated guidance for colleges and universities and student accommodation providers. Provided, [NR5/066 - INQ000545816]
- 28 August 2020 – submission and response from DFM on the proposal to strengthen testing measures to reduce the risk of Covid transmission in universities and colleges. Provided, [NR5/067 - INQ000545817], [NR5/067a - INQ000244230], and [NR5/067b - INQ000244231]
- 1 September 2020 - Guidance combined into a single document and updated based on the experience of student accommodation outbreaks in preceding weeks. Strongly emphasises the need to limit numbers on campus and the need for institutions and accommodation providers to ensure student comply with guidance and regulations. The draft guidance and response from the DFM are provided above.
- 27 September 2020 - Guidance published in context of multiple student accommodation outbreaks, with large numbers of students self-isolating and

majority of teaching online. Sets out circumstances in which students (including those self-isolating) can return home and the safety measures required to do so. Provided, [NR5/068 - INQ000545821]

- 28 September 2020 – Guidance published on SIS website about travel to/from student accommodation. Provided, [NR5/069 - INQ000545822]
- 29 October 2020 – Following move to levels system of restrictions, guidance reflects how colleges and universities will operate in the different levels. Levels 0-2 are 'blended learning' and levels 3-4 are 'restricted blended'. Provided, [NR5/070 - INQ000545823]
- 25 November 2020 - Guidance/Q&A published for students wishing to travel home for winter break. Students encouraged to restrict social interaction for 2 weeks before leaving and to take 2 lateral flow tests before departure. Institutions putting arrangements in place to facilitate lateral flow testing. Staggered return in place (beginning 27/11). Provided, [NR5/071 - INQ000256722]
- 1 December 2020 - Advisory note from the Coronavirus (Covid 19): Advisory Sub-Group on Education and Children's Issues about face coverings in college and university. Provided, [NR5/072 - INQ000545824]
- 9 December 2020 - Guidance published for students returning to campus after the winter break. Staggered return of students (beginning 4/01) in place to avoid mass travel by students (staggered over 6 weeks). Guidance strongly advises students not to return to term-time accommodation until in-person teaching resumes and asks students to voluntarily reduce their social interaction for 2 weeks before travel. Notes asymptomatic testing will be in place - details to be confirmed. Provided, [NR5/073 - INQ000571164]
- 14 December 2020 - Self-isolation guidance for students was published: [NR5/039 - INQ000571149], along with guidance for students returning to Higher or Further Education after the winter break, provided: [NR5/073 - INQ000571164], and advice for providers on the setting up campus testing facilities, provided: [NR5/074 - INQ000256724]. Advice was also published by the Advisory Sub-group on Education and Children's Issues in relation to the use of face coverings in college and university, provided: [NR5/072 - INQ000545824]
- 8 January 2021 – Scottish Government announces staggered start to new term will be extended. A submission for the 7 January on the new covid variant is provided, [NR5/075 - INQ000545825]
- 15 January 2021 – Temporary lockdown published for colleges and universities, [NR5/076 - INQ000545826]

- 3 March 2021 - Updated temporary lockdown guidance published. Following FM update of 02/02, updated guidance reflects that phase 2 will only begin when it is safe to do so
- 17 March 2021 – Updated temporary lockdown guidance published. Confirms phase 1 likely in place until March.
- 8 July 2021 - Beyond Level 0 guidance on the operation of colleges, universities and CLD providers for academic year 2021/22 is published on the Scottish Government website. This guidance was developed through the Covid Recovery Group. Provided, [NR5/077 - INQ000545829]
- 4 August 2021 - Update to SIS website, in advance of 21-22 academic year. Provided, [NR5/078 - INQ000545830]
- 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. Provided, [NR5/079 - INQ000545831]
- 12 August 2021 – Managed isolation in student accommodation guidance issued to institutions who were piloting the arrangements. A submission on student accommodation for the purpose of managed isolation is provided, [NR5/080 - INQ000545832]
- 15 September 2021 - Guidance for colleges and lecturers involved in supporting the delivery of National 5, Higher and Advanced Higher courses in academic year 2020 to 2021. Provided, [NR5/081 - INQ000545833]
- 15 September 2021 - Risk-reduction mitigations to support universities, colleges and community learning and development providers at Level 0. Provided, [NR5/082 - INQ000545834]
- 29 October 2021 - Covid-19 Advisory Sub-group on Universities and Colleges – Advice Note for Winter Preparations for the 2021/22 Academic Year. Provided, [NR5/089 - INQ000545804]
- 15 December 2021 - The Minister for Further Education and Higher Education, Youth Employment and Training sent a letter to university and college principals regarding the Omicron variant and protective measures. The Minister requested them to report on protective measures/ movement of students / vaccination programme. Provided, [NR5/084 - INQ000545836]
- 1 January 2022 - Interim sector-specific guidance, provided [NR5/085 - INQ000545837]. Officials had intended to publish this guidance but deferred due

to strong sector pushback. The minutes from the 19 January meeting of the Advanced Learning Recovery Group outline the sectoral concerns in greater detail, provided [NR5/086 - INQ000545838]

- 1 April 2022 – Agreement to move away from sector specific guidance towards guiding principles, with institutional discretion about how to put into practice. A submission on guiding principles has been provided, [NR5/087 - INQ000545839], [NR5/087a - INQ000545840].

151. In July/August 2021 guidance was developed and issued to the University of St Andrews and University of Stirling for designated student accommodation exclusively for those students coming from red-list countries and undertaking their managed isolation at those universities [NR5/088 - INQ000545894].

152. US approached all its member institutions to gauge the appetite for using student accommodation for managed isolation. The list of potential institutions was reduced to a representative sample of institutions based on geographies, sizes and proximities to major airports in Scotland.

153. The following institutions were the initial ones that explored managed isolation in student accommodation:

- St Andrews University
- Royal Conservatoire Scotland
- Heriot-Watt University
- University of West of Scotland
- Edinburgh University
- Glasgow University
- Aberdeen University

154. Universities were then asked to express an interest in a pilot scheme to use student accommodation for managed isolation. This was open to all institutions. St Andrews, Heriot-Watt, Stirling and Aberdeen were the only institutions to express an interest.

155. Subsequently Aberdeen and Heriot-Watt withdrew after reviewing draft guidance on the basis that it would be too challenging to meet the specification requirements.

156. These requirements were based on medical and clinical advice. They also drew on the specification needed for commercial hotels to provide managed accommodation as well as guidance drafted for boarding schools quarantining international students returning to their institutions.
157. The guidance, drafts of which were shared with universities for their input and comments on all aspects including student welfare, stipulated that universities should “provide students with as much information as will be helpful for them to understand the practicalities of being in managed self-isolation such as arrangements for meals, access to fresh drinking water, room cleaning, disposing of rubbish, laundry, a process for requesting additional items, access to Wi-Fi and student welfare services, access to educational materials, and enjoying outdoor exercise and emergency procedures. Rules and information should be provided verbally and in writing. Where possible this information should be translated into appropriate languages for the student.”
158. Each student should be given a point of contact at the university – this could be a dedicated managed self-isolation team – during their period of managed self-isolation. The student will be able to liaise with this point of contact throughout their stay in self-isolation.
159. The Directorate issued no direct guidance or support to universities in respect of the regime in place to provide substituted exam results. 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. The Directorate’s guidance 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.
160. During the specified period, in addition to networking with tertiary education stakeholders at an operational level, the Scottish Government was responsible for the development and publication of formal Covid-19 guidance for colleges, universities and student accommodation providers. Preparation of this guidance was led by ALS and was informed by, but separate to, the main public health messaging

coming from the Scottish Government more generally. This guidance mirrored the wider public health guidance that was based on scientific evidence and epidemiological data but also included some guidance that was specific to college, university and student accommodation settings. The role of ALS was to liaise with all the relevant experts to keep up to date on public health advice and ensure this was reflected in drafting the sectoral guidance. The impacts on attainment and employability could not be measured at the time of issuing the guidance as there was no data to measure these factors at this stage.

The consideration of the impact on young people in guidance

161. Guidance to the sector always set out the need to consider the circumstances of vulnerable students but it was for individual institutions to determine the appropriate level of support for their students.

162. In recognition of the wellbeing needs of students, the support provided to students over the course of the pandemic provided by the Scottish Government was substantial with over £96 million provided via hardship funding, digital access, mental health support and student associations.

163. The Scottish Government established the Coronavirus Discretionary Fund in June 2021 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.

164. FE and HE Discretionary Funds also remained available to support students experiencing financial hardship over the course of their studies during Covid.

165. A timeline of Financial Support is provided below:

- April 2020 - Emergency funding of £5m for hardship for students in FE and HE
 - o Including, additional funding of £2.2m for HE students at college and university via the Discretionary Funds
 - o £2m made available by the SFC to support FE students at college
 - o An emergency fund for students studying at private providers and those studying overseas
 - o 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 FE, HE and community-based learners to help with the costs of laptops. (£4.75m for 13,000 college/university learners, £250k for 500 community based young adult learners)
- December 2020 – Additional funding of £5m for student experiencing additional hardship, including for accommodation costs. Funds were released in February 2021 with all £5m dispersed via SAAS for HE
- 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 SFC for lost revenue as a result 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 (£400 per 4-week period). Additional funding made available to cover support for students who have had to extend their course as a result 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.

166. With specific regard to the mental health support needs of students, 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 Scottish Government continued to fund the 'NUS Think Positive initiative'.

167. In addition to these ongoing commitments, the Scottish Government secured additional Covid consequential monies from the UK Government (UKG) to support the mental health and wellbeing of students during the Pandemic.
168. The timeline of financial support is provided below:
- 6 November 2020 - £1.32 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, provided [NR5/089 - INQ000545804]
 - 27 January 2021 - £730,250 announced by the SFC to provide additional support for students' associations and unions in colleges and universities for financial year 21/22. Provided, [NR5/090 - 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. Provided, [NR5/091 - INQ000545806].
169. The Scottish Government also worked with the SFC on the development of guidance in relation to this additional support. Provided, [NR5/092 - INQ000545807].

Accommodation and Travel

170. As outlined earlier in this statement a Student Accommodation Group was established in April 2020 to provide intelligence on what was happening on the ground and as a source of advice for officials.
171. 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. Ministers had also asked if a relaxation of travel rules would be possible for students, however the clinical advice provided was that the rules for students should remain in line with those for the wider population.
172. Thereafter, guidance on student accommodation and travel was updated regularly in light of clinical guidance, in line with phased approach of the Scottish Government throughout the Pandemic and wider UK Government provisions in relation to international travel and quarantine arrangements.

Developing Guidance

173. Officials in ALS worked with FE and HE representatives, staff and student representatives and accommodation providers to seek feedback and to further refine the guidance before sharing the draft guidance with Ministers for their final approval before publication. Officials in ALS encouraged institutions to relay and amplify current public health messaging to students and staff. ALS officials also worked with SAAS to create and maintain a suite of student-facing Frequently Asked Questions (FAQs) on SAAS' SIS website. These FAQs were based on current national and sectoral guidance but focussed on a student audience.

Paper on higher education settings

174. Officials within DG Health and Social care were given sight of a draft copy of the Task and Finish Group on Higher Education/Further Education paper entitled, 'Paper on Higher Education Settings' produced at the request of the Directorate for Education (England) on 11 February 2021, as part of the papers for a SAGE meeting that was due to take place that day. This was subsequently shared with the Director of ALS for information on 15 February. However, the decisions made by the ALS Directorate were drawn upon from different evidence - the information provided during weekly modelling meetings by the Scottish Government Coronavirus modelling team; analysts interpretation of the ONS Student Covid-19 Insights Survey; the two reports published by PHS on students in accommodation; the outcome of the student hardship survey and the Expert Advisory Group.

175. Officials from the Directorate attended weekly modelling meetings with the Scottish Government Coronavirus modelling team, along with other key policy areas across the Scottish Government. These sessions were not specifically focused on FE and HE and the discussions were more general.

176. Officials from the Directorate also provided data to the modelling team for analysis, for example how many students there were, how many travel and what countries they come from. This was for wider modelling work, and not specifically for FE/HE setting issues.

177. For data relating to the mental health and wellbeing of young people, analysts used the ONS Student Covid-19 Insights Survey as a proxy for Scotland and circulated results to officials. It asked questions on the opinion of students around a range of Covid and mental wellbeing issues. Provided, [NR5/093 - INQ000223852].
178. In addition, the Scottish Government drew upon two reports published by PHS on students in accommodation. The first report gave students opinions on a range of issues including wellbeing. Provided, [NR5/039 - INQ000571149].
179. With regard to student hardship, the Covid-19 pandemic caused disruption across all parts of Scotland's educational system, including in FE and HE delivered by Scotland's colleges and universities. Early in the pandemic, stakeholders raised a particular concern 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.
180. In response, a support package for students during Covid-19 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.
181. This research project was undertaken between May and August 2020. Online fieldwork with institutions took place in May and June, and with students in July and early August. The overall aim of this research 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 were not) accessing to help avoid experiencing longer-term hardship.
182. In October 2020, the ALS Analysis team published the outcome of this research project. Provided, [NR5/094 - INQ000545842].

Proportionality of encouraging online learning

183. The epidemiological evidence that the Directorate drew upon was guided by the epidemiological evidence that was being used across the Scottish Government to

determine how best to deal with the public health threat posed by Covid-19. The Directorate drew on this evidence, which itself will have been informed by evidence from other jurisdictions, to inform their approach to protecting students and staff in HE and FE settings.

184. Work undertaken to assess the proportionality of encouraging online learning in place of face-to-face learning for young people in FE and HE was undertaken primarily by the EAG. More context about the group is set out in Part A of this statement.
185. The work of the EAG focussed predominantly on Harm 3, the Social Harms. In terms of the proportionality of encouraging online learning in the place of face to face, this was the primary consideration of the group's work, where it was crucial to try to balance the significant negative impacts that online learning would bring against the physical risks associated with face to face. This is best demonstrated in the Wider Harms Advice, [NR5/095 - INQ000545893].
186. To support the work of the EAG on the Wider Harms Advice Note, the EAG meetings listed below are where this was discussed ahead of the publication of the Wider Harms Advice Note:
- 26 October 2021 – meeting included University sector representatives
 - 9 November 2021 – meeting included College sector representatives
 - 23 November 2021 – meeting included Student representatives
 - 15 February 2022 – Wider Harms summaries discussion
 - 1 March 2022 – Wider Harms summaries discussion (continued).

Mitigating the levels of lower wellbeing and increased mental distress

187. The Directorate's work to collate data on the wellbeing (mental and otherwise) of young people who attended further and higher education institutions, is outlined above.
188. As a response to the data, the Scottish Government awarded NUS Scotland resources (totalling £750K) to work with student associations to deliver local support

and interventions around mental health and wellbeing. It was and continues to be the role of institutions to support students directly. Colleges received additional money to support their students as they were and continue to be best placed to support their students. The Scottish Government also made further resources available via the SFC, to enable institutions to support students at that time.

23 February 2021 announcement about the return to in person learning

189. The ALS Directorate took the lead on providing the evidence and advice to Ministers that led to the decision to allow up to 5% of students to undertake in person learning at one time where this would have impacted on progress or graduating.
190. This decision was a result of discussions with clinicians and representatives of the university and college sector, below is a timeline of how this figure was arrived at.
191. On 7 January 2021, officials issued advice to the Minister for Further Education, Higher Education and Science, provided [NR5/075 - INQ000545825], to provide urgent advice on the return of staff and students to campus and accommodation. This followed on from the First Minister making a statement on 4 January announcing a temporary lockdown in light of the new strain of Covid-19.
192. On the basis of clinical, public health and US advice, a staggered return approach was proposed, below is the relevant extract:
- “Under this proposal, the new staggered return for undergraduate students was as follows. Attendance would be monitored in weekly returns to Scottish Government analysts:
- Phase 1 - From 5 January (intention was for numbers returning at this stage to be kept under 5% returning students) any university education that can be done online must be done online campus/accommodation open but only for students who have remained over winter break and other exceptional returners, including related to where their attendance is critical and time-sensitive to their course or assessment and cannot be delivered remotely or postponed, essential placements or student well-being.

Phase 2 - From 15 February at the earliest (to be reviewed start of February) – circa a further 10% of students essential returners to campus/accommodation for in-person teaching where their attendance is time-sensitive to their course or assessment, especially ability to graduate, and cannot be delivered remotely or further postponed.

Phase 3 - provided safe and virus control is at a reasonable level, other students may return to campus and accommodation. Guidance on the extent of in-person teaching would depend on the level the institution is in. Scottish Government will review at the beginning of February and regularly thereafter when this phase can commence it is unlikely that it will commence before the beginning of March. It will need to be done over a number of weeks to avoid large numbers of students arriving in campus over a short period of time. This means that some students may not return to campus until late March if at all.”

193. The staggered return applied to undergraduate students only as this was the grouping largely associated with previous outbreaks. In contrast, postgraduates tend to be more mature and commute to their studies rather than living in student accommodation. For postgraduate students, of which there were around 64,320 in Scotland in 2018-19, it was proposed that all learning and teaching was conducted online unless there were practical or lab-based elements that were impossible to do remotely and accord with level 4 guidance. This was in line with existing arrangements for the local protection level they were in. On campus work involved an extremely small number of students which were monitored through weekly returns to the Scottish Government analysts.

194. Recommendations for colleges were that:

“Whilst large parts of Scotland are in level 4, to continue to allow a very small number of students (expected to be in the region of 5% of all students) to return where face to face teaching and in-person assessments are critical to the successful conclusion of their studies. Without prejudging future decisions on local authority levels, this is very likely to mean that there will be little or no face-to-face teaching in colleges in January and into February Senior phase school pupils should not attend college during this time. This approach will be reviewed alongside schools on 18 January strengthening guidance for institutions and students.”

Ministers were invited to note the above and agree to the revised staggered return.

195. The Minister for Further Education, Higher Education and Science subsequently had a meeting with clinicians to discuss this further on 11 February. Some detail of the preparatory work carried out by officials in advance of the meeting, including an analysis of various submissions that institutions had made to the Scottish Ministers for a special consideration of their circumstances and data collated about planned returned to in-person teaching for each institution is provided, [NR5/096 - INQ000545845], [NR5/097 - INQ000545846], [NR5/098 - INQ000545847] and [NR5/099 - INQ000545848].

196. On the 15 February, officials sent a submission to the DFM and Minister for Further Education, Higher Education and Science on term 2 in-person provision for college and university students. The submission also asked Ministers to approve a draft FE/HE section for the winter education Cabinet paper being drafted. Provided, [NR5/100 - INQ000545849], [NR5/100a - INQ000545850].

197. The Minister responded the same day, provided [NR5/101 - INQ000545851], noting that he was content to approve with the following comments:

“It should be made clear that we are proposing to stick to Phase 1 for HE students with a small amendment but that still does not take us to the levels of the already postponed Phase 2 and it’s important to clarify consequences of not allowing even a small amount of additional F2F.

It should also be clear that we are also only talking about a small percentage of overall students compared to a normal academic year.”

198. On 19 February, the Director for ALS shared a draft proposition regarding the return of students to colleges and universities with Ministers and senior colleagues. Upon feedback from the DG for Education, Justice and Communities, this was amended to make it clear that this was not about continuing with the plan set out at the start of the year. This was something more limited that was envisaged, and was focussed only on those who we knew must undertake practical work or placements in order to complete their course that academic year.

199. The overall cap in numbers of 5% was suggested within this advice, to demonstrate how modest this proposal is. Learning Directorate had capped the senior phase numbers in schools that they envisage from 22 February.
200. On 20 February, the DFM responded supporting the DG's comments, noting that: 'We need to present this as a minimal, essential option to safeguard educational opportunities.'
201. On the same date, the Minister for Further Education, Higher Education and Science made the following observations:
- "I feel that we need to ensure in very simple and clear terms that there is a difference between how many students are on campus at any one time which is different to how many students are able to return overall because the latter may give the impression that students are all there all at the same time for the whole of the week. In other words, if the CMO's concerns relate to students travelling then this is an important argument."
202. The Director then shared a revised paper on the same day and advised a meeting had been arranged with clinicians to discuss this further along with the DG for Education, Justice and Communities. The paper and response are provided, [NR5/102 - INQ000545852], [NR5/102a - INQ000545853], and [NR5/103 - INQ000545854].
203. On the 21 February, the Chief Scientific Advisor responded with an excerpt from the minutes of the SAGE meeting from 11 February 2021, provided [NR5/104 - INQ000545855]:
204. "61. SAGE has previously provided advice on Higher Education, including at SAGE 55.
62. Multiple data sources (including ONS and PHE) show that the rates of COVID-19 infection rose among many HE student populations in October 2020 (moderate evidence, moderate data), with rates of infection subsequently reduced in November (high confidence). Several case studies of individual outbreaks and/or transmission in HE settings document outbreaks among students in HE settings in late September to October 2020.

63. Evidence from genomic studies in a limited number of universities suggests that mitigation measures were successful in minimising transmission. However, different residential settings and levels of integration in the local community will impact on community transmission and so findings from one university may not be applicable to others.

64. Survey evidence related to COVID-19 indicates disruption to research and learning, lower wellbeing, and increased mental distress in HE students (medium confidence). Almost two-thirds (63%) of students indicated that their well-being and mental health had worsened since the start of the autumn 2020 term”.

205. During this period, the Directorate was in possession of modelling figures, produced in early January 2021 by analysts, which projected transmission rates, on the basis of different types of scenarios for the return to in person teaching for university students. The January and February figures are provided, [NR5/105 - INQ000545860], [NR5/105a - INQ000545861], [NR5/106 - INQ000545862], and [NR5/106a - INQ000545863].

206. However, these numbers were modelled at the same time as schools started to resume in-person teaching, which meant that university specific information could not be extrapolated. As such, the Directorate did not hold a precise figure of how many students would constitute 5% of learners.

Guidance communicated to colleges and universities

207. Scottish Ministers expectations about the identification of essential and non-essential courses were communicated by officials to sector representatives during weekly Covid Leads meetings, which US convened and provided a platform for the Directorate to keep an open line of dialogue with institutions as the Directorate did not get involved in matters relating to learning and teaching at colleges and universities, it was for these institutions themselves to determine what courses they delivered that were critical and time sensitive. In addition, guidance published on 27 January 2021 provides an overview of the planned staggered return period for universities and students. Provided, [NR5/107 - INQ000545864].

Non-pharmaceutical interventions (NPI)

208. The Directorate liaised extensively with HEIs through the various groups detailed below. Engagement through the groups was in relation to non-pharmaceutical interventions.

Covid-19 Advisory Sub-group on Universities and Colleges

209. The terms of reference and remit of the Advisory Sub-Group on Universities and Colleges clearly set out its role with regards to non-pharmaceutical interventions within further and higher education settings. Provided, [NR5/006 - INQ000545867].

Examples of these considerations include:

- 20 July 2021 a discussion of “Paper 4.5: Expert Advisory Group Meeting 4 – Discussion Paper on Mitigations in Universities and colleges during 20-21 Academic Year”, [NR5/108 - INQ000545904]
- 3 August 2021 a discussion of “Paper 5.5: Self-Isolation in Universities and Colleges together with Ventilation as a Mitigation for the 21-22 Academic Year”, [NR5/109 - INQ000545905]
- 31 August 2021 a discussion of “Paper 6.5: Mitigations in Universities and Colleges for the 21/22 Academic Year”, [NR5/110 - INQ000545897]

Covid-19 Advanced Learning Recovery Group

210. The terms of reference of the Group, [NR5/005 - INQ000545866], clearly set out its role with regards to the Directorate’s key non-pharmaceutical intervention, the development of guidance, as well as other interventions:

1. The Covid-19 Advisory Sub-Group on Universities and Colleges, and the Advanced Learning Covid Recovery Group are being convened to support work to ensure a balanced consideration of the four harms, to inform the development of Scottish Government guidance on the operation of colleges, universities and CLD providers for academic year 2021/22.

2. This will take full account of public health advice, together with the wider impacts on Scotland’s students and learners, staff, universities, colleges and CLD

providers, as we collectively work towards the academic year 2021/22, taking cognisance of any continuing disruption to education and student experience.

3. The group's work will aim to inform guidance that ensures colleges, universities and CLD providers deliver the best possible teaching, learning and research via a safe and appropriate blend of digital and in-person teaching, research and other activities on campus. The group will work within an overall Scottish Government policy intention to enable in-person provision to the extent consistent with the safety of staff and students, and in line with Scotland's overall response to Covid-19, whilst ensuring the highest quality learning experience possible for students and learners in the circumstances we face.

211. Examples of these considerations include: the paper from 14 July 2021 – Beyond Level Zero guidance, provided [NR5/111 - INQ000545898].

212. The Recovery Group commissioned various Task and Finish groups in relation to the development of guidance and non-pharmaceutical measures. The work of the Ventilation Short-Life Working Group, on behalf of the Directorate, is outlined below.

Ventilation Short-Life Working Group

213. In late summer 2021, the expert Short Life Working Group (SLWG) for Ventilation was set up to provide advice and make recommendations to the Scottish Government on actions to improve ventilation.

214. In October that year, the Scottish Government Covid Ventilation Short Life Working Group for FE, HE and CLD recommended CO2 monitoring as an effective method of ensuring adequate ventilation in multi-occupant campus settings, making them safer for students and staff. This addressed the need raised by the sector themselves through the Scottish Association of University Directors of Estates as well as trade union concerns about supporting clean air environments for staff and students.

215. In 2021/22 colleges and universities were initially unable to access the Scottish Government's Business Ventilation Fund. The identification of significant underspend

of the Business Ventilation Fund in the final quarter of 21/22 allowed for the prospective roll-out of CO2 monitors to FE/HE institutions in that financial year.

216. Ministers subsequently gave approval to explore the repurposing of the underspend. The 4,600 portable CO2 monitors secured was agreed by US and CS as being their calculated requirement across all institutions up to a maximum of 100 per institution.

217. These were procured by Advanced Procurement for Universities and Colleges (APUC) and delivered across 46 HE and FE institutions at a cost of £811,116.

218. Recommendations from the Covid-19 Ventilation Short Life Working Group for FE, HE and CLD minutes, [NR5/112 - INQ000545899].

Other engagement

219. In addition to the discussions described above, the implementation of NPIs was regularly discussed at University Covid Leads (a meeting ran by US); College Principals meetings (a meeting ran by CS); and in discussions with unions and NUS during various meetings.

Management of outbreaks

220. The ALS Directorate were not always made aware of incidents of outbreaks of Covid-19 at further and higher education facilities. Outbreaks were managed by the appropriate local Incident Management Team, with the Outbreak Management Response team in the Directorate for Public Health keeping ALS Directorate informed. The Directorate was also made aware of outbreaks through other fora, including the daily/weekly provider meetings and our weekly collection. This was in addition to individual institutions who, on occasion, would inform ALS directly about outbreaks. The Directorate's data collection asked for known cases. This would have picked up most 'major' outbreaks – that institutions knew about. Institutions only knew about outbreaks that they were told about by students, and as such, were often restricted to those occurring in university owned halls.

221. In September 2020, there were several high-profile outbreaks in University halls during fresher's week. These were documented publicly through the media. The Directorate often learned about these this way, often through social media as students used that to comment on outbreaks and restrictions, although at other times the Directorate were contacted by institutions. The Directorate also received regular updates from PHS about reported outbreaks. PHS also published two reports about these outbreaks which are provided, [NR5/039 - INQ000571149] and [NR5/040 - INQ000189322]. Officials would then routinely follow up with institutions to find out more about these outbreaks, particularly during the early stages of the pandemic.

222. The management of individual outbreaks was for institutions, but the Directorate took an interest in intelligence from institutions, particularly around student welfare.

223. As set out earlier in this statement, following the arrival of the second wave of Covid-19, the ALS Analytical unit established a new data collection and monitoring system, to track how many cases of Covid-19 were at each university and college across Scotland, identify any outbreaks, and how the institution was responding to the outbreaks. These data collections captured the following information:

- The new number of students and staff who had tested positive for Covid-19 since the previous collection, and where these cases had occurred (in university-maintained halls, PBSA halls, or out with)
- Which student halls had been affected by new cases
- The total number of students and staff positive Covid-19 cases
- The new number of students and staff self-isolating following exposure to an individual with Covid-19 since the previous collection
- The current total number of students and staff self-isolating following exposure to an individual with Covid-19
- The current number of international students quarantining
- The number of students withdrawing from halls or terminating residency agreements.

224. This data was not published during this time and instead was used internally for monitoring purposes and for reporting to policy and Ministers to keep them up to date with the rapidly changing situation. Given the scale of the initial outbreak, this data collection ran twice weekly, on a Tuesday and a Friday throughout October 2020.

225. Throughout Scottish Government's partnership working with FE and HE institutions and communications with the sector, officials within the Directorate continued to reiterate the importance of adhering to the Public Health guidance that was in place at the time.

Student Accommodation

226. The ALS Directorate played an active role, alongside officials in the Local Government and Housing Directorate, in the decision making surrounding the provisions of the Coronavirus (Scotland) (No. 2) Act 2020. The lead Directorate for this Act was the Directorate for Local Government and Housing as these regulations were included with several other housing and accommodation related provisions. The ALS Directorate were heavily involved to ensure resilience and that the provisions reflected the nuances of student accommodation.

227. An extract from an FAQ (which was hosted on the SIS website) the Scottish Government provided to support student renters and accommodation providers offers a helpful summary of the provisions:

"The Coronavirus (Scotland) (No.2) Act 2020 introduces notice to leave periods for students in halls of residence and Purpose-Built Student Accommodation (PBSA).

This means:

- *Students who have entered into a student residential tenancy before 27 May 2020 and have occupied the property, can give 7 days' notice to their accommodation provider.*
- *Students who have already entered into a student residential tenancy before 27 May 2020 but have not yet occupied the property, can give 28 days' notice to their accommodation provider.*
- *Students who enter into a student residential tenancy after 27 May 2020 can give 28 days' notice to their accommodation provider.*
- *Students can only exercise this notice to leave periods for reasons relating to Covid-19 and for so long as the Coronavirus (Scotland) (No.2) Act 2020 is in force. The Act will be in force until 31 March 2021. The Scottish Ministers' have power to extend the Act again until 30 September 2021 (though they have not yet made a decision as to whether they will extend it again). They have no power to extend it beyond that date."*

228. The briefing note provides the rationale for the provisions:

“Students (and other tenants) in the private sector are likely to have Private Residential Tenancies PRTs, and therefore have the benefit of being able to terminate their tenancies on 28 days’ notice (unless a longer period has been agreed).

The proposal affects a defined category of tenancies and landlords

The amendment proposed by the Green Party was to allow immediate termination. Our proposal seeks to strike a balance between providing landlords with the benefit of a reasonable notice period, bearing in mind that many tenancies will end at the end of the academic year in mid-June. We understand the Bill is to come into force on 28 May. On this basis, this provision would realistically only allow most students to leave their contract around one week early, but those tied into contracts for a longer period may benefit from this provision. We understand that some post graduate students have tenancies for longer periods. We also understand that some providers offer students terms for a calendar year (which would come to an end in September of October), although in the time available we have not been able to confirm the number of students in those situations

Students may also be financially vulnerable, and it is not reasonable to expect students, rather than accommodation providers, to carry the economic risk of the pandemic”.

229. The intention of the provisions was to bring the rights of students in student accommodation in line with those of the wider private rented sector. This was deemed to strike the right balance of the student vs. landlord. Many accommodation providers did allow students to terminate their lease agreements prior to the introduction of the provisions.

230. At the Education and Skills Committee meeting of 27 January 2021, the Minister for Further Education, Higher Education and Science noted that the Scottish Government had “...written again to other providers of student accommodation in Scotland, asking them to ensure that they are being sympathetic and helpful, and pointing out the guidance to them”. The context of this was uncertainty that had been expressed by students (and their families) about whether students would be able to return to campus given lockdown or travel restrictions were unknown for the remainder of the year. As a result, they were unsure if they should exercise their

rights under the provision to give notice (and therefore if they could return having no accommodation secured). This is not something the Scottish Government could have reflected within the provisions given the trajectory of the pandemic could not be foreseen.

231. With regards to concerns expressed by students cited during the above Committee meeting, the Directorate considered making provision to allow students to have a break in their lease for a period while travel restrictions prohibited students taking up their accommodation, but this would have been practically challenging, difficult to justify and would likely not have been considered proportionate.

232. For example, this would have limited landlords' abilities to lease accommodation for other purposes and would have had a serious financial impact on landlords/businesses. Such provisions would also have been made with no understanding of the trajectory of the pandemic and ongoing impact on students or landlords. On balance, it was decided the provisions introduced were reasonable and justifiable, given it offered students the same rights as tenants in the private rented sector.

233. In general terms, the provisions enhanced the rights of those accessing student accommodation by introducing the right to terminate their contract which they otherwise would not have had. The evidence available indicates that as of April 2021, it was estimated that around 10,250 students had withdrawn from residency agreements at university based on data collected by the Scottish Government. This is about 42% of the estimated population in university-maintained student halls for that year. However, some of these will have been able to withdraw under normal circumstances, not necessarily because of the Bill so it is not possible to draw any further conclusions about the impact.

234. The Student Accommodation group, referenced earlier in this statement, met very regularly, and included representation from NUS Scotland, Associated Managers of Student Services in Higher Education (AMOSSHE), College and University Business Officers (CUBO) and ASRA. These regular meetings provided a forum for partners to share with Scottish Government their own challenges in running accommodation and, for NUS Scotland, the opportunity to articulate student experiences and concerns.

235. These groups also provided a useful forum for measuring student wellbeing.

Part D - students' perspectives

236. Over the period in question, ALS developed and maintained close relationships with sectoral stakeholders, including NUS, institutions and other representative groups with the aim of ensuring communications were clear and made as relevant to students as possible.

237. A range of groups were established to assist with decision making, evidence gathering and communications with the sector.

238. The EAG considered guidance and other interventions, such as testing (including current messaging and any policy changes) for the interests of college and university students and encouraged institutions to develop their own materials.

239. The EAG published a number of advisory notes to the further and higher education sector to inform their management of the pandemic, all of which were published on the Scottish Government website.

240. In addition to this, two members of the EAG (Professors Paul Flowers and Steven Reicher) had specific expertise in Communications and led on a Communications Roundtable event with stakeholders on 5 August 2021.

241. The EAG held a meeting on 23 November 2021 where student representatives were providing their insights on the wider harms of the Covid-19 pandemic that helped inform the Wider Harms Advice Note that was published by the Scottish Government. The minutes of this meeting are provided, [NR5/113 - INQ000545870]. Further details of this group and other key stakeholder groups are outlined earlier in this statement.

242. During the implementation of the student testing programme, the Directorate convened a Student Testing Stakeholder group, to provide an update on the Asymptomatic Student Testing Programme and give members the opportunity to

raise issues/queries. This group included representatives from NUS, CS and accommodation providers.

243. During the earlier stages of the pandemic, NUS Scotland were able to communicate students concerns and other perspectives, thorough participation in the Ministerial Leadership Group.

Communication to students

244. The Scottish Government's message to students was that the issues students are facing due to the lockdown are understood, which include 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.

245. As part of Covid recovery work, the Directorate decided early on that the SIS website would be the main repository for up to date information and a channel for messaging.

246. ALS worked with the Scottish Government communications teams to develop bespoke campaign and social media materials to promote public health messaging specifically targeting college and university students. The Directorate funded this communications activity and facilitated collaboration between communications specialists with Scottish Government, SFC, SAAS, CS, US and student representatives, to co-produce and refine messages and content that was distributed through Scottish Government and stakeholder channels.

247. An example of such a campaign, alongside an accompanying submission which provides background context about its development is provided, [NR5/114 - INQ000242065]. The information and materials were developed by Scottish Government, in collaboration with colleagues in SAAS and tested with stakeholders, including student representatives at NUS Scotland.

Monitoring and acting on the perspectives of students

248. As referenced earlier in this statement, one of the core responsibilities of the Directorate (both during the specified period in question and at present) has been the wellbeing of young people attending FE and HE. On that basis the Directorate engaged with students and student representatives on an ongoing basis throughout its response to the pandemic.

249. In general terms, the Directorate always worked to factor in the views of students and other key stakeholders in the delivery of guidance and the delivery of other NPIs. However, the implementation of guidance and these other interventions was for individual colleges and universities to put into practice.

The support available to students self-isolating

250. The Directorate developed an approach on Managed Isolation for international students travelling to Scotland to begin or continue their studies, including working with universities to agree arrangements to support student welfare and to fully meet public health requirements. Please note that where relevant this work was undertaken alongside colleagues in Learning Directorate who were providing advice to Ministers and guidance to independent schools on the return of international pupils to boarding schools in Scotland. Further details and a timeline of communications with the independent school sector, [NR5/115 - INQ000545889].

Concerns raised attainment assessments and online tuition

251. 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.

Concerns raised about student financial insecurity

252. As set out earlier in this statement, the Student Hardship Taskforce, a short life group was 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 FE and HE was established in early 2021. [NR5/116 - INQ000545890].

253. Some information about the background to the establishment of this Task Force can be found in this briefing sent to the Minister for Further Education, Higher Education and Science for the Task Force's first meeting, [NR5/117 - INQ000545891]. The overview of the Taskforce is set out below:

The Student Hardship Taskforce was a short-life 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 FE and HE.

The key focus of the taskforce was to:

- determine the financial hardship issues that have arisen specifically for students as a result of the Covid-19 pandemic
- collate information on existing good practice and work underway across the sector and where that good practice is being delivered in regional areas, seek to consider if that can be delivered throughout all of Scotland
- assess the effectiveness of Scottish Government support to students for hardship and discretionary funds delivered through the SAAS, SFC, universities and colleges
- present recommendations for rapid solutions to improve the Scottish Government's support for all FE and HE students in Scotland currently facing hardship as a result of the Covid-19 pandemic
- produce short, sharp and focussed updates on taskforce recommendations for Ministers to consider

Key discussion points that were addressed on various taskforce meetings included: FE and HE discretionary funds, support for EU and international students, course completion/extensions and student support for the 2021/2022 academic year. An

outcomes paper was produced which is available to view in the documents section of this page.

Members represented: Scottish Government, SAAS, US, CS, SFC, NUS, Students, Student parent, National Association of Student Money Advisers, Child Poverty Action Group, Further Education Student Support Advisory Group (FESSAG).

254. The Directorate's response to concerns raised about lack of mental health support is outlined above as is the Directorate's response to concerns raised about disruptions to student accommodation.

Part E - monitoring and assessment of impact

255. With regard to overall monitoring, the Directorate received various types of modelling analysis carried out by the central modelling team. The Directorate's ability to make use of this data was limited, however, as the modelling suggested that decisions made around colleges and universities made little overall impact on the trajectory of the pandemic due to the decisions that were being taken around schools re-opening in Spring 2021 which led to a large amount of uncertainty in future cases and spread of Covid at this point in time.

256. Schools returning, vaccination rollout, new variants, along with rules on outdoor mixing all played massive roles in the trajectory of Covid, and all presented an equally large volume of uncertainty. So much so, that the impact of decisions around colleges and universities were difficult to understand alongside considered to be dwarfed by the decision making regarding the more prominent aforementioned factors. This in turn limited ALSA's ability to make use of the modelling given the range of uncertainty in the modelling projections make use of the modelling given the range of uncertainty in the modelling projections.

257. As outlined earlier in this statement, the Directorate regularly engaged with universities, colleges, NUS and unions as a principal means of being able to monitor how interventions were impacting on students (and staff/institutions) throughout the pandemic period.

258. Officials within the ALS Directorate received modelling from CS in March 2021 about the impact a continuation of the 5% in person learning cap would have on the college sector, [NR5/118 - INQ000545811], [NR5/118a - INQ000545812], and [NR5/118b - INQ000545813]. This modelling fed into the decision-making process leading to a return to a levels-based approach to in-person learning, as set out in the Ministerial update letter to Education & Skills Committee, announcing an increase in the number of students allowed to return to campus, arrangements for asymptomatic testing for staff and students and advice that students should not travel during their Easter break. [NR5/119 - INQ000571172].
259. ALSA also collected information on who was due to come back to in-person learning and why. Details of the statistics by Institution and subjects studied are provided in [NR5/096 - INQ000545845].
260. SFC also published information on those who were impacted by Covid including deferrals, provided [NR5/120 - INQ000545871]. The report is an overview of college performance indicators from 2008-09 to 2020-21 with the main purpose to provide an overview of the latest year (2020-21) with contextual trends. The report provides a broad coverage of college teaching activity and presents an analysis of student outcomes for those students enrolled on courses leading to recognised qualifications.
261. The HESA release is also important on providing key data trends on students and graduates during the pandemic the 'Impact of the Covid-19 pandemic on 2021/22 Student data' report, [NR5/121 - INQ000545872], looked at enrolment numbers and analysed deviations, the 'Impact of the Covid-19 pandemic on Graduate Outcomes 2020/21' report looked at graduate activity and graduates skill levels and industry of employment. [NR5/122 - INQ000545873].

Outputs

262. As referenced above, the EAG published several advisory notes to the FE and HE sector to inform their management of the pandemic, all of which have been published on the Scottish Government website. Although the work of this group did not constitute formal monitoring and assessment, it did carry out evidence gathering, particularly with the Advice Note on the Wider Harms (provided with the papers for

this group), where the EAG held a series of stakeholder engagement sessions (including one with student representatives) to inform the work.

263. More generally, the Scottish Government used the guidance issued to colleges and universities, to set out Ministers' expectations regarding the fair and sympathetic treatment of students in all circumstances during the period in question.

Differential Impact

264. The Scottish Government and producers of post-school statistics, including the SFC and HESA, analyse a wide range of statistics as part of business as usual. As part of this work, analysts will consider wider societal impact on the data including any impacts from Covid when analysing and publishing data. Statistics are available through the SFC and HESA, for example this report covering the 21-22 academic year, provided [NR5/122 - INQ000545873]

265. The experience of students who are disabled, care experienced, or those with neurodivergence are characteristics covered in the SFCs report on Widening Access. [NR5/123 - INQ000545914]. The Directorate are unable to correlate from this information what influence Covid had on these experiences, but the report does cover entrant numbers and retention rates over the period of the pandemic. For example, background table 1 shows that the proportion and number of students at university with care experience has increased every year over the past 5 years, while background table 3 shows that there was a slightly higher retention rate (for 1st year into 2nd year) for care experienced students for those continuing between 2019-20 into 2020-21, compared to the years either side of this (2018-19 into 2019-20 and 2020-21 into 2021-22). Retention rates then decreased in the most recent year 2021-22 into 2022-23. These trends are mirrored in the wider student population as well. The same background table also cover those with disabilities, including mental health conditions.

266. The Scottish Government was aware that such impacts occurred, and it was Institutions that were responsible for both assessing the impacts and working to mitigate any negative impact of NPIs during the specified period.

Attainment

267. On 8 March 2021, CS shared an analysis spreadsheet with officials within the ALS Directorate, showing attendance numbers at college during that period and making predictions for the non-completion of different courses under various scenarios for students not being able to complete their coursework – from April 2021 until the end of the academic year. This matrix of “priority subjects” showed which subjects were most at risk of non-completion due to restrictions in place. This modelling formed part of the considerations that the Directorate took on board for colleges and universities return to the levels system on 26 April 2021. CS analysis was then presented to Ministers – as cited in this submission to Ministers [NR5/124 - INQ000243126] - and fed into the decision-making process that led to a return to a levels-based approach to in-person learning.
268. CS, as the representative body for the sector was better placed to coordinate this information from institutions and give it in complete form than the Scottish Government is. As the body responsible for funding the FE and HE sectors, the SFC has the responsibility for undertaking any such analysis, on the Scottish Government’s behalf as routine business as usual.
269. The HESA published the following analysis, [NR5/121 - INQ000545872], including a section on qualifications.
270. The SFC also referenced data in various reports, for example the College Performance Indicators report of 2020-21, including information on educational attainment in the introduction sections and again at paragraph 11, provided, [NR5/120 - INQ000545871].
271. Given that college courses were more likely to involve a practical on-campus element than most university courses, there was a risk identified that high proportions of college students may not be able to complete their studies. Analysts worked with CS to collect data from each college and establish the level of non-completion that would occur under different policy scenarios that were under consideration to help inform decision making around on-campus learning for colleges.
272. With regard to conclusions that have been drawn, all analysis that the SFC and Scottish Government carried out kept Covid impacts in mind, and these were

assessed and considered on an ongoing basis.

273. With regard mitigations, of those impacts the Directorate worked with the FE and HE sector, as outlined above to produce guidance in order to allow for a return to hybrid and latterly fully in person teaching. This and other measures taken by Government (such as the provision of digital devices via the Digital Inclusion Fund, described above) were intended to improve outcomes for students across a range of measures, including to facilitate circumstances to enable the best learning and teaching (under the circumstances) to take place.

Employment and future prospects

274. It is routine practice for analysts to consider wider societal impacts on the data including any impacts from Covid when analysing and publishing data.

275. In addition, HESA and SFC publish a range of regular releases looking at the outcomes and destinations of graduates from university. For example, a publication in May 2023, provided [NR5/122 - INQ000545873].

276. HESA state in this publication: “In this year’s investigation of the potential effects of the pandemic on Graduate Outcomes, we arrived at the following key findings:

- Although response rates vary by cohort, we see no major changes in response rate that are likely to be related to Covid-19, either overall or when we split response rates by graduates’ personal characteristics
- 2020/21 graduates are more likely than 2019/20 graduates to be in full-time work and less likely to be unemployed or in full-time further study
- The 2020/21 rate of full-time employment is the highest since the start of the Graduate Outcomes survey
- We see no notable changes in the skill level at which graduates are employed
- We see very little overall change in graduates’ reflections on their activities
- After a dip in the first year of the pandemic, graduate subjective wellbeing has remained broadly stable since the second year of surveying.”

277. In addition to this, and for young people generally, the Young Person’s Guarantee (YPG): was introduced by the Scottish Government in November 2020 as part of the

response to the economic and labour market challenges brought about by the Covid-19 pandemic. It aimed to mitigate the potentially damaging effects of the Covid-19 pandemic on young people's transitions from education to employment. There was also recognition from the outset that not all young people experience the labour market equally and that groups who are experiencing barriers fare worse during times of recession.

278. An implementation evaluation of 'No One Left Behind' and the 'Young Person's Guarantee' was published in August 2023. The Implementation Evaluation explored how effectively these had been implemented, the experiences of service providers and service users, and lessons from early delivery. The evaluation took place between May and December 2022, [NR5/125 - INQ000545908].

279. Recommendation 6 specifically highlight the importance of learning from the experience of YPG:

"The Young Person's Guarantee was introduced to mitigate the potentially damaging effects of the COVID-19 pandemic on young people's transitions from education to employment. The economic and labour market context for young people has changed considerably since the introduction of the Guarantee, although many young people continue to face barriers to education, training and work with employment rates much lower amongst those who are care experienced, disabled or from a minority ethnic background. The evaluation also found that the barriers faced by young people and the support they need to progress are different to those faced by older age groups."

"Learning from implementation of the Guarantee should be used to inform future employment support for young people, including the types of barriers they face in progressing to employment and associated support needs. Consideration should be given as to whether it remains appropriate for ERIs (Employer Recruitment Incentives) to be available to all young people or whether they should be targeted at those facing particular barriers."

Mental health and wellbeing

280. During the Covid pandemic, the Scottish Government drew upon the Thriving Learners survey, external research undertaken by the Mental Health Foundation in

conjunction with US and CS (published for universities in 2021 and colleges in 2022), which considered student mental health during the covid period [NR5/126 - INQ000545875]. This, together with other research, informed the production of the Student Mental Health Action Plan which has recently been published, [NR5/127 - INQ000545876].

281. Data about students with reported disabilities, including mental health conditions, is collected and published by HESA and SFC in annual releases that monitor student's wellbeing. For example, the SFC's Report on Widening Access shows that between 2019-20 and 2022-23 the proportion of full-time first degree entrants to university with a known disability increased from 15.0% to 21.1%. This includes those with a mental health condition (such as depression, schizophrenia or anxiety disorder) which increased from 3.9% to 5.7%.

282. More recently the Scottish Government ran the Student Finance and Wellbeing Survey during the 2023-24 academic year. Although this covers a period after the pandemic has ended, students raised factors which impacted on their mental health and wellbeing which were as a result, for example the difficulties experienced in trying to get a job. The results of the survey are provided, [NR5/128 - INQ000545877].

283. Conclusions drawn across these surveys suggest that students were more likely to report mental health conditions when starting university post-Covid than pre-Covid.

For Universities

- Nearly three-quarters of respondents reported low well-being (74%)
- More than one-third (36%) of respondents reported either moderately severe or severe symptoms of depression
- Almost half of the respondents (45%) reported experiencing a serious psychological issue that they felt needed professional help
- More than half of respondents (57%) reported concealing a mental health problem for fear of stigmatisation
- In the past 12 months, over a fifth of respondents (22%) worried about running out of food

- In the past 12 months, almost one quarter (24%) ate less due to a lack of resources or money

For Colleges

- 64% of college students in Scotland had low mental well-being
- Among the college students who said they had low well-being, three-quarters said they experienced food insecurity or had a long-term health condition, and half had a disability
- 37% experienced food insecurity in the previous 12 months while 31% of students worried about running out of food; 30% ate less due to a lack of resources or money; and 17% lived in households that had run out of food
- 54% reported having moderate, moderately severe, or severe symptoms of depression. Among students who have experienced food insecurity, 25% had severe symptoms of depression
- 55% of students said they had concealed a mental health problem due to fear of stigma.

Student Finance and Wellbeing Survey

284. The survey states that: “The findings show student wellbeing is heavily linked to their financial circumstances. The most commonly reported impact of experiencing financial difficulties was the worry and stress it caused; this was the case for nine out of ten students. Fifty-nine per cent of students from under-represented groups, compared with between 45% and 52% of FE, HN/undergraduate and postgraduates, reported that financial difficulties had affected their mental health and wellbeing either 'a great deal' or 'a fair amount'. This compares with NUS Scotland student surveys which found that 69% of students indicated their mental health had suffered as a result of financial worries, and the Student Money Survey reported that 82% of students had concerns about making ends meet. Similarly, surveys of college and university students in Scotland by the Mental Health Foundation in partnership with Universities Scotland and Colleges Scotland found 74% of university students, and 64% of college students, reported low mental wellbeing. Three-quarters of college students who reported low mental wellbeing had experienced food insecurity or had a long-term health condition, and half had a disability.”

285. Measures put in place to support student mental health and wellbeing of young people who attended FE and HE during the specified period are outlined previously in the statement. In the interim period between the start of the pandemic and the publication of the Student Mental Health Action Plan, the Scottish Government provided additional financial support for institutions to take suitable local additional measures to support students. At the same time the Government continued to support its commitment to funding the provision of student counsellors.

Enrolment Numbers

286. During the pandemic, universities and colleges offered an important step for young people and those looking to upskill and reskill. The sectors continue to support these cohorts post-pandemic. The most recent data, published by SDS, covering 2024 (April 2023 to March 2024), shows that Scotland currently has record high levels of participation for 16-19 year-olds, at 92.7%, in Education, Employment or Training. This includes 71.2% in Education, either at school, or on an FE or HE level course. This is similar to the previous year (71.4% in 2023) and to pre-pandemic in 2018 (71.3%), 2019 (71.4%) and 2020 (72.0% - Note that 2020 related to April 2019 to March 2020). During the pandemic, it was higher at 74.8% (2021 which is April 2020 to March 2021) and 73.1% (2022 which is April 2021 to March 2022). The increase in 2021 and 2022, was driven by higher proportions than usual seen in School and in HE. FE was higher in 2021, but lower in 2022 compared to what is usually observed. As such, during the pandemic, we saw more young people at school and HE (at either college or university), with increased FE (at college) during the first full year of the pandemic only. See [NR5/129 - INQ000545878], [NR5/130 - INQ000545879], and [NR5/131 - INQ000545880]. Data from UCAS provides more details of university provision with UCAS data from December 2024 showing record numbers of Scottish applicants securing university places in Scotland through UCAS in 2024, with the second highest year being 2021, during the pandemic. Provided, [NR5/132 - INQ000545881].

287. In terms of measures put in place, to aid those young people who wished to enrol at college or university, consideration of the needs of the student population is outlined in work on college and university guidance outlined earlier in this statement.

288. The SDS evidence suggests that more young people stayed on at school during the pandemic, and that FE (2021) and HE (2021 & 2022) provided opportunities for young people who were not at school.

Part F - Lessons Learned

289. On 18 August 2020, the Minister for Further Education, Higher Education and Science wrote to all colleges and universities as well as student accommodation providers in Scotland requesting them to submit to the Scottish Government details of their action plans for the restart of teaching provision to students in academic year 2020-21 during the ongoing Covid-19 pandemic. Responses were requested by 24 August 2020. The ask was similar to all three sectors, with the exception that student accommodation providers were not asked to provide details of plans to minimise the number of people on campus at any one time.

290. The specific request was to forward action plans which covered:

- Procedures in place for students from non- exempt countries to ensure respect of quarantine arrangements
- Procedures for students who need to self- isolate
- Plans on processes to support contact tracing
- Plans to minimise the number of people on campus at any one time
- Procedures in place to ensure maximum communication and understanding of Covid 19 requirements amongst students, staff and visitors and any compliance mechanisms being considered
- Action plans/procedures to respond to outbreaks.

291. All returns were assessed against a checklist of questions to determine areas of strength and weakness in each action plan. Analysts from ALSA were asked to undertake further analysis of the action plan assessments, with the overall aim of identifying areas for improvement and examples of good practice that could provide a starting point for further Scottish Government guidance and recommendations to the college and university sectors.

Preparedness for academic year 20-21

292. In the summer of 2020, the Directorate carried out analysis in the anticipation of restarting learning at all colleges and universities in the new 2020-21 academic term, commencing in September 2020. Throughout the summer, analysts supported policy, testing and modelling colleagues with data for university and college students. Data covered existing 2018-19 data (and previous) but provided context for policy development. Analysis included:

- Term-time start dates for individual providers, split by local authorities and Health Boards
- Student migration data to understand cross local authorities/ border flows. This included low level targeted analysis when outbreaks were identified across the UK
- International Student domicile to understand inward migration to different providers
- Term-time address information to understand characteristics of those in halls
- Age and disability analysis of students.

Preparedness for academic year 21-22

293. Throughout the pandemic the impact on the ability to attract, retain and recruit international students was considered. From March 2020 to September 2020 an international students' action plan group which included college and university representation was established; chaired by the Director of ALS, the group considered mitigations to ensure Scotland remained a destination for international students. Other groups such the Covid-19 Recovery Group and the EAG also consider the pandemic's impact on this group.

294. On 20 August 2021, the Cabinet Secretary for Education and Skills wrote to FE and HE institutions asking them to outline their planned arrangements to ensure safer studying arrangements would be in place for the upcoming academic year [NR5/133 - INQ000545883], [NR5/133a - INQ000545884].

295. The returns from institutions were analysed by policy officials, the summary is provided, [NR5/134 - INQ000545885]. This was shared with Ministers in a September 2021 submission, provided [NR5/135 - INQ000244295]. The key themes of this submission were 'outbreak management and student welfare', 'testing and

vaccination' and 'Physical distancing, ventilation and other risk management measures. The analysis of these returns' states that:

"Institutions appear to be in the advanced stages of preparation for the academic year, with detailed arrangements in place to protect staff and students and to ensure COVID outbreaks are managed well. Responses received indicate that institutions have detailed outbreak management plans in place, supported by regular contact with local public health teams, although officials are following up with some institutions where more detail is required... whilst institutions have measures and plans in place to ensure campuses and accommodation remain as safe as possible, and whilst vaccination offers the main layer of protection against serious illness, it is still highly likely that institutions will experience COVID outbreaks over the coming months and that institutions'.

Lessons Learned

296. The Directorate held lessons learned sessions with internal and external stakeholders in Autumn 2022, which resulted in a Covid-19 Recovery Playbook, developed through workshop discussions with different groups of stakeholders including the reflections of internal Scottish Government staff who had worked with the Covid Recovery team; university, college, and trade union representatives. Attendees were presented with a list of discussion points about what they felt had worked well and less well about the pandemic response, and what matters they believed should be addressed in a playbook for future pandemics.
297. Subsequently a draft of the playbook was shared with external stakeholders from within the Covid Recovery Group for further comment. The stakeholders listed below contributed to lessons learned for their own and each other's organisations. The playbook is provided [NR5/136 - INQ000321324].
298. Key lessons learned are outlined below.

For the Scottish Government:

- Regular, frank engagement, where confidences are respected is helpful in identifying what is working and what needs to be changed

- Ensure the separate and/or different parts of the sector are fairly represented and consistently engaged on headline areas of work
- Ensure the flow of information meets the specific demands/needs of the constituent parts of the sector, and for population groups - staff and students
- Earlier and more/better insights into the Covid experience in institutions might have informed the EAG's preparation of advice
- Clear on pros/cons associated with over-lapping governance arrangements where these co-exist within stakeholder groups, e.g., Covid leads and CRG
- Stakeholder input on the preparation of guidance contributed towards a shared understanding on compliance with the baseline measures.

For the trade unions:

- Bringing together key actors, to receive and consider important intelligence on the pandemic enabled a more proactive response from the sector
- Having genuine senior leadership at CRG, i.e., chaired by the Minister and meaningful engagement of the sector was important.

For Universities:

- Engaging all the relevant stakeholders was important, however we need to distinguish their role and responsibilities
- Avoid CRG making decisions that cut across institutional practice and local decision making to respond to Covid-19
- Build on progress and what has already changed (in that moment) rather than covering everything again from the beginning.

For Colleges:

- Avoid duplication of structures, e.g., Covid Leads needed to be operational while strategic matters were more relevant to CRG
- CRG and/or EAG were not as agile as the Covid Leads groups, which were able to meet and respond at short notice.

For the CLD sector:

- There is a need beyond the formal guidance/regulations to explore how key messages are landing across a varied landscape of settings
- PHS support helped CLD to make sense of sometimes conflicting guidance as well as producing visual material to aid implementation.

For the NUS:

- Better communication with students on guidance and the different options available to government when the pandemic is in flux
- Timing - ensure that the media and stakeholders are aware that expert advice does not necessarily equate to formal or finalised guidance
- Better communication on how CRG work impacted student associations, and how this interacted with college and university guidance.

299. These learnings, along with the preparation of 'guiding principles' for external stakeholders, are intended to be used in the event of a similar emergency in the future.

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:

PD

Dated: 11 June 2025