

University of St. Andrews (Degrees in Medicine and Dentistry) Bill

Policy Memorandum

Introduction

1. As required under Rule 9.3.3 of the Parliament's Standing Orders, this Policy Memorandum is published to accompany the University of St. Andrews (Degrees in Medicine and Dentistry) Bill introduced in the Scottish Parliament on 29 September 2020.
2. The following other accompanying documents are published separately:
 - Explanatory Notes (SP Bill 82–EN);
 - a Financial Memorandum (SP Bill 82–FM); and
 - statements on legislative competence by the Presiding Officer and the Scottish Government (SP 82–LC).
3. This Policy Memorandum has been prepared by the Scottish Government to set out the Government's policy behind the Bill. It does not form part of the Bill and has not been endorsed by the Parliament.

Policy objectives of the Bill

4. The Bill makes a technical amendment to the Universities (Scotland) Act 1966 ("the 1966 Act"), by repealing paragraph 17 of schedule 6 (transfer of property, etc. to University of Dundee and other transitional provisions - abolition of qualifying examinations and degrees in medicine etc. in the University of St. Andrews).
5. The 1966 Act currently prohibits the University of St. Andrews ("the University") from awarding medical and dentistry degrees. The policy objective of this Bill is to remove the prohibition as it is unfair, anti-competitive and serves no legitimate purpose in today's context. The

impetus for removing the prohibition at this time is to enable the University to award, jointly with the University of Dundee, undergraduate Primary UK Medical Qualifications (PMQ) to Scottish Graduate Entry Medicine (ScotGEM) MBChB¹ students. In removing the prohibition, the Bill creates a fairer higher education sector and enables all of Scotland's valued institutions to maximise the options and opportunities they offer to students in Scotland.

6. Although the prohibition also refers to “surgery” and “midwifery”, it essentially relates to degrees in medicine and dentistry. Historically, legislation commonly referred to the medical professionals being qualified for the practice of ‘medicine, surgery and midwifery’. However, surgery is not a standalone degree and forms part of the modern medical degree (MBChB). Also, at the time of the 1966 Act, the term ‘midwifery’ was understood to be a reference to the discipline of obstetrics, which likewise forms part of the modern medical degree. The first higher education undergraduate programmes in midwifery were not introduced in Scotland until the early 1990s and, so, the 1966 Act could not have been intended to cover modern midwifery degrees.

Background

7. The University was founded in 1411 and is the oldest university in Scotland. In 1897, it amalgamated with a new academic centre, namely Queen's College in Dundee (“Queen's College”). The 1966 Act reconstituted the four ancient Universities of Scotland (Aberdeen, Edinburgh, Glasgow and St. Andrews) and reorganised the University of St. Andrews by separating it from Queen's College, which then became the University of Dundee. The 1966 Act also conferred upon the four ancient Universities more autonomy in academic matters, such as the institution of new degrees.

8. In the immediate separation of Queen's College from the University, the clinical part of the medical degree offered at that time was moved to the new University of Dundee. As a consequence of this, the 1966 Act put in place a legislative prohibition to prevent the University from granting degrees in medicine and dentistry.

¹ A Bachelor of Medicine and Bachelor of Surgery degree.

9. The University has continued to offer a three-year undergraduate BSc in medicine. That particular degree enables students to gain entry to the clinical part of a PMQ MBChB programme at other universities. It can be an attractive option to many students to experience three or four years of study at the University, followed by three years at another university in order to complete a degree in medicine. BSc medicine students then have the option of completing their degree at any of the Scottish universities or at any of the universities in other parts of the UK.

10. The prohibition contained in paragraph 17 of schedule 6 was not intended to remain in perpetuity. During the Scottish Grand Committee's debate on the Bill for the 1996 Act, the then Under-Secretary of State for Scotland stated that:

"... it is, of course, open to St. Andrews University to consider whether it, too, wants a medical school... In the initial separation, however, the medical school is going to Dundee because the buildings are there, but that in no way need inhibit St Andrews in future deciding to have a medical school itself, provided that that fits with the general medical training requirements of the country."²

11. It now fits with the medical training requirements of Scotland for the prohibition to be removed and for the University to be able to award, jointly with the University of Dundee, PMQ medical degrees to ScotGEM students. Furthermore, it is no longer appropriate for the prohibition to remain in place for two other reasons. Firstly, its original purpose has been achieved. Queen's College separated from the University over fifty years ago and, since then, the University of Dundee's medical and dentistry schools have successfully established themselves. Secondly, the subjects of medicine and dentistry are presently controlled by other, non-legislative means.

12. The prohibition was previously partially disapplied by the University of St. Andrews (Postgraduate Medical Degrees) Act 2002 ("the 2002 Act"), which was introduced to the Scottish Parliament as a Member's Bill. The 2002 Act partially removed the prohibition to enable the University to award postgraduate research degrees in medicine.

13. Whilst it would usually be considered irregular for the Scottish Parliament to interfere with the degree-awarding functions of a higher

² Hansard, Scottish Grand Committee, 23 November 1965, Col 33-34.

education institution, primary legislation is required to remove the legislative prohibition because there are no other appropriate order-making powers that could be used. Although the Privy Council has power to make an order under section 48 of the Further and Higher Education (Scotland) Act 1992, specifying the institutions that are competent to grant degrees, that power is not relevant where the body in question already has a power to award degrees (in the University's case, under Royal Charter). Removing the present prohibition is therefore not a matter within the Privy Council's remit.

The ScotGEM undergraduate degree in medicine

14. ScotGEM is Scotland's first graduate entry programme for medicine and it is jointly delivered by the Universities of Dundee and St. Andrews, in collaboration with the University of the Highlands and Islands and partner Health Boards. It was announced by the First Minister in 2016 and formed part of a package of initiatives to meet the Scottish Government's commitment to create a more sustainable medical workforce and encourage more people into a career in healthcare, whatever their background. The first cohort of graduate students commenced in the 2018-19 academic year and are due to graduate in 2022. Around 55 students are expected to be enrolled in each academic year.

15. Other medical undergraduate degrees take five or six years to complete. ScotGEM is a bespoke four-year medical degree designed for students who are already graduates and wish to train as doctors, with a focus on primary care and remote and rural medicine. Clinical medical placements take place in independent and third sector settings, in addition to the NHS, ensuring that community care is central to the programme and that graduates are well-equipped to work across health and social care boundaries.

16. ScotGEM was jointly awarded to the Universities of Dundee and St. Andrews following an open competitive assessment process conducted by the Scottish Government. The bid was awarded to both universities on the understanding that ScotGEM would be jointly delivered and awarded, as was detailed in the initial bid. The Bill is therefore being introduced at this time to remove the legislative prohibition that would otherwise prevent the University from jointly awarding the ScotGEM PMQ degree. Should the Bill not be passed, however, the fallback position is that the University of Dundee alone will award the ScotGEM PMQ degree.

17. The costs to the Scottish Government associated with ScotGEM are noted in the Financial Memorandum. These include tuition fees, Additional Costs of Teaching (ACT) funding, and an optional bursary for students who choose to bond to NHS Scotland by committing to a period of one year's service for each year that the bursary is taken (up to a maximum of four years).

18. The removal of the legislative prohibition by this Bill is only the first step in the process. The ScotGEM course still requires the approval of the General Medical Council (GMC) before the PMQ may be awarded to students. As the regulator of the medical profession, the GMC has the general function of promoting high standards of medical education and co-ordinating all stages of medical education. All institutions wishing to establish a new medical school or programme are subject to an extensive period of quality assurance before being added to the GMC's list of bodies that may award a PMQ.

19. At an undergraduate level, the GMC approves the institutions ("awarding bodies") that may award a PMQ, rather than individual medical programmes. In order to gain and maintain approval, all programmes delivered by an approved awarding body that lead to a PMQ are subject to a quality assurance process. This ensures that the GMC's standards for delivery and outcomes for graduates are met. As the University of Dundee is already an approved awarding body, it will be able to award a PMQ to ScotGEM students (provided that the ScotGEM programme meets the GMC's standards and outcomes).

20. The quality assurance process the GMC has adopted for ScotGEM is identical to that which it uses for institutions who wish to establish a new medical school. This means that, should this Bill be enacted, the GMC will look to jointly add both the Universities of Dundee and St. Andrews to the list of approved awarding bodies, solely for the purposes of the ScotGEM programme, and on the basis that the GMC's standards and outcomes have been met.

21. The GMC would normally finalise this decision immediately prior to the first cohort of students graduating which, in the case of ScotGEM, is in 2022.

Wider implications: other degrees in medicine or degrees in dentistry

22. During the consultation period, concerns were raised about the potentially negative impacts on the medical and dentistry education and training environment should the University deliver its own degree in either of these subjects in the future. In particular, concerns were raised about the capacity for additional clinical placements local to the University and the potential disruption to the existing clinical placements of other institutions.

23. Removal of the prohibition, however, is not determinative of the University's ability to award medical and dentistry degrees. Whether any institution is able to offer a degree in either of these disciplines is subject to separate financial and regulatory controls.

Financial controls on awarding degrees in dentistry and medicine

24. In the context of financial controls, the terms 'controlled subject' and 'non-controlled subject' are used to distinguish between those subjects that are controlled by ring-fenced public funding to meet workforce requirements, and those 'non-controlled' subjects that are included within the main publicly-funded teaching grant awarded to institutions by the Scottish Funding Council (SFC). For the controlled subjects, individual workforce planning groups recommend 'intake targets'. These are considered by the Scottish Ministers who, in turn, advise the SFC of the recommended targets. The SFC determines target numbers for individual institutions (following discussions with the Scottish Government), allocates the agreed funded places, and monitors student uptake separately from non-controlled areas. Medicine and dentistry are both controlled subjects.

25. Therefore, in order to provide a publicly-funded degree programme in either dentistry or medicine, an institution would require the agreement and co-operation of the Scottish Government and SFC regarding tuition fees. In addition, an institution would require the agreement and co-operation of the Scottish Government and NHS Education Scotland (NES) regarding ACT funding. ACT funding is provided to NHS Scotland Health Boards to cover the additional costs of facilities and teaching, provided by NHS clinical staff, for dentistry and medical undergraduate students.

26. If an institution were to breach the conditions of its SFC funding by unilaterally deciding to offer its own degree programme in a controlled subject, it would be subject to such substantial financial penalties that it would not be a financially viable option to take. In addition, NES would not take into consideration any clinical placements secured by the institution when allocating publicly-funded ACT resources to individual Health Boards. It would not, therefore, be a practical or financially viable option for any Health Board to host clinical placements from institutions in breach of their funding conditions. It could not be so without significant changes to Health Boards' business models, and to the way in which medical education and training is currently planned and delivered in Scotland.

27. The financial penalty per full-time-equivalent student in breach of the SFC funding conditions is the relevant tuition free. In addition, where a university fails to deliver its outcome agreement and the targets set out within it, or fails to meet any other conditions of grant (including those set out in the conditions of funding), the SFC is able to recover part of the main funds granted to the university and/or reduce future funding. The SFC agrees targets with institutions through the outcome agreement process and sets conditions of grant on all funding awards.

28. Any significant changes to the funding arrangements for controlled subjects, including any decision to fund a new provider, would only occur following a national competitive process and with the specific support and agreement of the Scottish Government and the SFC. There is, at present, no intention to alter the existing funding arrangements for the controlled subjects of medicine and dentistry and, indeed, the Bill itself does not give rise to any such changes.

29. The University has, however, submitted a bid in the open competitive commissioning process under the 2019 Programme for Government (PfG) commitment to "develop proposals for a new medical school". This process attracted seven initial proposals; one from each of the five existing medical degree providers (including the University of St. Andrews) in addition to two other institutions. After inviting initial proposals by the end of February 2020, the process was postponed in March 2020 as a consequence of the need to focus efforts on the public health pandemic. Due to the ongoing situation with Covid-19, there are presently no plans to resume this process. Indeed, the proposals may need to be revisited given the impacts of the public health pandemic on the future strategic approach to the intake of medical undergraduate students.

30. The prohibition itself does not in any event prevent the University from submitting a bid to deliver a degree programme in a controlled subject. It is able to do so on the understanding that the prohibition would have to be removed should the bid be successful (as was the case with ScotGEM and the more recent bid submitted for the 2019 PfG commitment to develop proposals for a new medical school). This Bill, however, would enable the University to submit a bid without such a caveat in the same way that any other Scottish higher education institution is currently able to do.

31. Should this Bill be enacted, it would be possible for the University to establish a fully privately-funded PMQ programme without being in breach of SFC rules regarding conditions of funding. Although there are some private medical schools operating in England, the possibility of the University establishing a private medical or dentistry degree is considered to be remote. The University does not currently operate any fully privately-funded degree courses and has provided formal assurances to the Scottish Government that there are no plans to do so on the basis that it is “...strategically committed to social inclusion and widening access.”³ The University would also require to secure the provision of a large number of NHS clinical placements and, for medical students, an increase in Foundation Year posts for graduated students to move into which would require the co-operation of NHS Boards. It is also noted that, although other universities in Scotland are able to establish fully privately-funded medical and dentistry schools, none have chosen to do so. Moreover, it is unlikely to be an attractive option for any university to rely solely on income from overseas students in light of the recent public health pandemic.

Regulatory controls on awarding degrees in dentistry and medicine

32. Separately to any funding arrangements, in order to provide its own PMQ medical degree, the University would also require to be added to the GMC’s list of approved bodies in its own right, and so would be subject to the GMC’s approval process for a new medical school (as detailed in paragraphs 18 to 20).

³ Letter from Professor Sally Mapstone, Principal and Vice-Chancellor of the University of St. Andrews to Carmen Murray, Scottish Government (16 July 2020) published at the following link as an Annex: <https://www.gov.scot/isbn/9781800041073>

33. As part of the approval process, the GMC requires evidence from the applicant institution that a sufficient number of clinical placements could be secured and that these placements would not disrupt other medical programmes or put patient safety at risk. For example, in the initial application form submitted as part of the new medical school commissioning process, applicant medical schools are asked for evidence of engagement with other medical schools and local education providers. This is followed up through the GMC’s rolling cycle of quality assurance activity. In addition, any concerns over capacity and quality identified by the established medical schools are monitored as part of the GMC’s routine quality assurance approach. This means that any concerns raised by other medical schools, regarding clinical placements that are shared with other schools, would be considered.

34. In order to be able to provide dentistry degrees, the University must be made a ‘medical authority’ for the purposes of section 3(1) of the Dentists Act 1984 (“the 1984 Act”). This would entitle the University to hold examinations in dentistry and grant licences certifying the fitness of the holders to practise dentistry. In order to be made a medical authority for the purposes of the 1984 Act, the University must first be designated by Order of the Privy Council for the purposes of article 7(4) of the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009. As regulator of the profession, the General Dental Council (GDC) is responsible for setting standards for providers of dental education and training in the UK and it has supervisory powers regarding the course of study and examinations to be undertaken in order to obtain a degree or licence in dentistry⁴. Once an institution has been made a medical authority for the purposes of the 1984 Act, should the GDC consider that a particular dentistry programme does not meet the required standards, it can ultimately recommend to the Privy Council that it make an order to provide that the granting of such a degree does not confer any right to be added to the register of dentists⁵.

⁴ [Dentists Act 1984, section 8.](#)

⁵ [Dentists Act 1984, section 11.](#) The Register of Dentists is kept by a registrar appointed by the GDC ([section 14\(2\)](#)).

Implementation

35. The provisions of the Bill will come into force on the day after Royal Assent.

36. There are no transitional provisions in the Bill. So, once the Bill's provisions come into force, the University can begin the internal procedures that are required for the ScotGEM degree to be approved. The new degree will require to be instituted by a resolution of the University Court on the recommendation of the Senatus Academicus. The admission criteria for the ScotGEM degree, the duration and the requirements will be set out in Regulations made by the Senate and in partnership with the University of Dundee.

37. The GMC approval process will also require to be completed after the Bill's provisions come into force and in advance of the first cohort of ScotGEM students graduating in 2022.

Alternative Approaches Considered

First alternative

38. One alternative approach would be to not introduce legislation thereby retaining an unfair, archaic prohibition and preventing ScotGEM students from graduating with a degree jointly awarded by the Universities of Dundee and St. Andrews. Whilst the fallback position is that the University of Dundee will award the ScotGEM degree, this is not the basis on which the programme was jointly awarded to both universities. In addition, the legislative prohibition no longer serves a legitimate or practical purpose in today's context and, so, it would be inappropriate to retain it.

39. ScotGEM students were made aware at the outset of their studies that the primary intention was for both universities to jointly award their degree, but that the fallback option would be for the University of Dundee alone to award it should it not be possible to make the necessary legislative change. The consultation response submitted on behalf of ScotGEM students notes their expectations for a joint degree, as follows:

“... there would be a deep disappointment and frustration amongst the student cohort if this proposal was not accepted. Students are fully aware that there are contingencies in place and that their graduation with a PMQ is guaranteed with the University of Dundee if the proposals fails. However... students fully expect to graduate from both medical schools as

that is how the course was pitched to us when applying to ScotGEM and if that were not to materialise then it would be met with feelings of unfairness and a false promise.”⁶

40. The British Medical Association also noted the views and expectations of ScotGEM students in its consultation response, as follows:

“ScotGEM (Scottish Graduate Entry Medicine) students enrolled to their programme of study with the clear expectation that their degrees would be jointly awarded by the University of St Andrews and the University of Dundee. For a number of ScotGEM students, this joint award was an important factor in their decision to apply and had it not been on offer, they may have applied to another institution.

...

While it is our understanding that the ability of ScotGEM students to qualify as doctors is not at threat as their degree could be awarded solely by the University of Dundee, this is not the degree that ScotGEM students believed they were embarking on and the BMA would regard a Scottish Government decision not to seek to repeal this section of the legislation as a breach of faith with these students.”⁷

Second alternative

41. Another alternative approach would be to remove the prohibition only in respect of the ScotGEM degree, thereby leaving it in place for other types of medical degree programmes as well as for dentistry degrees. This was the preference of one consultation respondee (the University of Dundee) on the basis that the University of St. Andrews should be prevented from delivering its own medical and dentistry degrees in future to avoid potentially adverse and unintended consequences to the education and training environment in Scotland.

42. Given that the subjects of medicine and dentistry are not controlled through legislative restrictions on individual institutions, however, fully removing the prohibition is not determinative of the University’s ability to offer degrees in these subjects. The question of whether it is in Scotland’s best interests for the University of St. Andrews (or any other institution) to deliver medical or dentistry degrees in its own right is subject to separate

⁶ Available as an Annex to the ‘University of St. Andrews – degrees and licences in medicine and dentistry: consultation analysis’, at the following link: <https://www.gov.scot/isbn/9781800041073>

⁷ Available as an Annex to the ‘University of St. Andrews – degrees and licences in medicine and dentistry: consultation analysis’, at the following link: <https://www.gov.scot/isbn/9781800041073>

financial and regulatory controls and decision-making processes, as discussed above. Moreover, leaving the prohibition partially in place would not prevent the University of St. Andrews from winning a future bid to become a new medical or dentistry degree provider on the understanding that repeal of the 1966 Act prohibition would be further required.

43. The higher education sector is an inherently competitive environment. As noted by the then Under-Secretary of State for Scotland during the Scottish Grand Committee's debate on the Bill for the 1996 Act, the prohibition was put in place solely to give effect to the immediate separation of Queen's College from the University of St. Andrews; it was not intended to prevent the University of St. Andrews from competing again in future. Whilst the prohibition itself does not prevent the University from competing, it does present an additional obstacle given that further legislative change would be required before it would be able to award a medical or dentistry degree in its own right. Partially removing the prohibition would therefore mean leaving in place an inappropriate and unfair impediment to one Scottish higher education institution which no other in Scotland, or in the UK, is disadvantaged by.

44. Scotland's higher education sector is facing significant challenges given the constraints on immigration, the consequences of EU exit and the likely decreased attractiveness of studying abroad as a result of the public health pandemic. There are also significant challenges to overcome in creating and growing a more sustainable medical workforce. Removing the prohibition entirely allows greater flexibility in addressing these challenges, by creating a fairer higher education sector and enabling all of Scotland's valued institutions to maximise the options and opportunities they offer to students in Scotland.

45. In today's context, it would be irregular for either the Scottish or UK Parliament to interfere with the commercial interests of a higher education institution by choosing to restrict its degree-awarding powers and, as a result, its ability to compete on an equal basis with other higher education institutions. It is therefore timely and appropriate to fully repeal the prohibition, as it no longer serves a legitimate or practical purpose. A complete repeal now would also avoid piecemeal amendments to the 1966 Act if, in the future, the University were to be successful in winning a commission to become a new medical or dentistry degree provider.

Consultation

46. The Scottish Government carried out pre-consultation engagement with the University, the other medical degree-providing universities (Aberdeen, Edinburgh, Glasgow and Dundee), the GMC, the SFC, NES and Universities Scotland.

47. The Scottish Government then issued a formal targeted consultation⁸, between 18 May and 29 June 2020. It was decided that a targeted consultation was the proportionate approach given that the proposed repeal of the prohibition impacts on a very narrow area of law and group of stakeholders. The only persons or bodies directly affected are ScotGEM students and the Universities of St. Andrews and Dundee. Those universities currently offering degrees in medicine and dentistry, as well as all other higher education institutions in Scotland, will be impacted indirectly given that one of their potential competitors will no longer be subject to an additional caveat requiring legislative change should it be successful in any future competitive commissioning process to become a medical or dentistry degree provider.

48. The consultation sought views on the proposal to fully repeal the prohibition contained in paragraph 17 of schedule 6 of the 1966 Act. Respondee were invited to provide any details on the impact to themselves, their organisation, or to others. The Scottish Government's analysis of consultation responses was published on 25 September 2020⁹.

49. Further stakeholder discussions took place during the consultation period. These included discussions with: the Universities and Colleges Union, the Academy of Medical Royal Colleges in Scotland, the British Medical Association, a ScotGEM student representative, the Chair of the Directors of Medical Education (NHS), the Principal of the University of the Highlands and Islands, the Principal of the University of the West of Scotland, the Royal College of Midwives, the Nursing and Midwifery Council, the GDC, the British Dental Association, the GMC and the Chair of the Board for Academic Medicine.

⁸ Universities (Scotland) Act 1966: Reinstating the ability of the University of St. Andrews to award certain degrees and licenses - Consultation, available here: <https://www.gov.scot/isbn/9781800040243>

⁹ Available here: <https://www.gov.scot/isbn/9781800041073>

50. Twenty responses were received and the majority (eighteen) either expressed support to fully repeal the prohibition or had no objections. One respondee specifically objected (Aberdeenshire Health and Social Care Partnership) and one expressed the preference for the prohibition to be repealed only partially (the University of Dundee).

51. Three of the four other universities that currently provide medical and dentistry degrees (Aberdeen, Edinburgh and Glasgow) were supportive. Two were supportive on the understanding that removing the prohibition would not automatically lead to changes to the funding arrangements for the controlled subjects of medicine and dentistry.

52. Although the prohibition contained in the 1966 Act does not prevent the University from awarding degrees in midwifery (in the modern sense of the term), the Scottish Government consulted with midwifery schools and the relevant professional and regulatory bodies in order to establish whether they had any concerns for their interests. Of the four universities currently providing midwifery degrees, three provided written responses and were either supportive or raised no objections (Robert Gordon University, Edinburgh Napier University and the University of the Highlands and Islands). The Nursing and Midwifery Council and the Royal College of Midwives were also supportive.

53. A number of universities that responded were of the view that the prohibition is anomalous and acknowledged that, in any event, it relates to controlled subjects and, so, its removal would not be determinative of the University's ability to award degrees in medicine and dentistry. Some universities expressed the view that the prohibition should be removed to enable the University to operate on an equal basis with other Scottish universities in relation to any current or future commissioning processes.

54. The University itself was of the view that the prohibition should be fully removed and commented that the 1966 Act did not originally intend to prevent it from offering such degrees and so "... the historical legislation is now fundamentally unfair as such a prohibition does not exist for any other Scottish university." The University was also of the view that, should the degree not be jointly awarded, it would likely reduce the attractiveness of the ScotGEM programme and thereby have a negative impact on the programme itself, on both universities and on the planned outcomes to increase the number of generalist practitioners.

55. A number of respondees who were supportive of the proposal to remove the prohibition, or who raised no objections, did so on the understanding that this would not be determinative of the University's ability to award degrees in medicine and dentistry. However, a number of those respondees raised concerns about the potentially adverse impacts on the medical and dentistry education and training environment should the University deliver its own degree in either of those subjects in the future. Other respondees were not similarly concerned and welcomed the possibility. For example, the University of Edinburgh commented that:

"... There is some overlap of clinical placements, particularly in NHS Fife, but we consider that there remains sufficient capacity in the South East and East of Scotland for this to be manageable. The Board for Academic Medicine and informal meetings of Heads of Medicine and informal meetings of Heads of Medical Schools and programmes provide a good forum in which any such issues can be addressed. Within Scotland's world leading and excellent university sector the Medical Schools are of particular strength and the inclusion of St Andrews as a fully-fledged Medical School will only enhance the standing of Scottish medicine in medical education and research across the world."

56. In initial discussions with officials, the four other medical degree-providing universities responded positively to the proposal to fully remove the prohibition. However, in its written consultation response, the University of Dundee supported the prohibition being only partially removed. In addition to concerns regarding potentially adverse impacts on the education and training environment, the University of Dundee advised that the original intention was for ScotGEM to be solely awarded by the University of Dundee but that:

"...prior to the submission of the final proposal to the Scottish Government, the University of Dundee agreed to a revision of the application such that the final degree would be awarded jointly by both institutions. It did so on the basis that it would support the University of St Andrews to seek reinstatement of these degree awarding powers solely for the purposes of ScotGEM."

57. The University of St. Andrews' views were subsequently sought, and the Scottish Government was advised that the University refuted the University of Dundee's assertion. This was on the basis that no such

revision exists and no such condition was raised at the time of the ScotGEM bid submission¹⁰.

58. Aberdeenshire Health and Social Care Partnership objected to the consultation proposal on the basis that, should the University deliver a medical degree in its own right, there may be adverse consequences to the medical education and training environment which "... may exacerbate our already-existing challenges. An increase in centralising such students, graduates and professionals to the central belt may have an adverse impact on the number of applicants applying to study in the North East and adversely affect the number of future qualified clinicians to working life in our rural areas, putting additional pressure on our geographical and workforce challenges."

59. Whilst many of the concerns raised about the potentially adverse impacts on the medical education and training environment may be valid, as discussed above, removal of the prohibition is not determinative of the University's ability to award medical and dentistry degrees. Other higher education institutions in Scotland with ambitions to deliver their own medical or dentistry degrees are accordingly unable to unilaterally decide to do so, despite not being subject to a legislative prohibition. The concerns that have been raised would nevertheless require to be taken into account by the Scottish Ministers and others in deciding any future commission for a new medical or dentistry degree provider.

Effects on Equal Opportunities, Human Rights, Island Communities, Local Government Etc.

Equal opportunities

60. The Scottish Government carried out an equalities screening exercise and is of the view that this Bill will have no negative effect on equal opportunities. The screening form will be published on the Scottish Government website following the Bill's introduction.

61. The Bill does not provide for new policy or revise existing policy and is technical in nature. It provides for a repeal of a legislative prohibition which currently prevents the University from awarding degrees in medicine

¹⁰ Letter from Professor Sally Mapstone, Principal and Vice-Chancellor of the University of St. Andrews to Carmen Murray, Scottish Government (16 July 2020) published at the following link as an Annex: <https://www.gov.scot/isbn/9781800041073>

and dentistry. It will impact on ScotGEM students and the Universities of St. Andrews and Dundee to the extent that it will enable a PMQ degree to be awarded to ScotGEM students by both institutions rather than by the University of Dundee alone. Those Universities that currently offer degrees in medicine and dentistry, as well as all other higher education institutions in Scotland, will be impacted indirectly given that one of their potential competitors will no longer be subject to an additional caveat requiring legislative change should it be successful in any future competitive commissioning process for a new medical or dentistry degree provider.

62. The Bill does not therefore discriminate against any person on the basis of any of the protected characteristics, including maternity and pregnancy, marriage and civil partnership, gender reassignment, race, disability, religion and belief, sex or sexual orientation, or age.

Human rights

63. The Scottish Government is of the view that this Bill is compatible with the European Convention on Human Rights (ECHR). The ECHR was taken into account during the development of this Bill and a human rights impact assessment was considered not to be required because there were no negative impacts identified for individuals or bodies affected. Those impacted by the Bill were identified as including ScotGEM students, the Universities of St. Andrews and Dundee as well as other higher education institutions in Scotland indirectly, as discussed at paragraph 61.

Island communities

64. The impact on island communities was considered during the development of this Bill and the Scottish Government is of the view that, given its very specific and technical nature, the Bill has no differential impacts on island communities.

Local government

65. The Bill raises no duties or impacts on local government or other Scottish public authorities, given its very narrow application and technical effect in relation to the University of St. Andrews' degree-awarding functions. Its immediate intended effect is to enable ScotGEM students to be awarded their degrees jointly by both universities rather than by the University of Dundee alone. There is no local government involvement in the awarding of degrees by either University.

Sustainable development

66. The potential environmental impact of the Bill has been considered. A pre-screening report was prepared and submitted to the Strategic Environmental Assessment (SEA) Gateway seeking views on whether the Bill would have a significant environmental effect and whether a SEA would be required. It was determined that the Bill has no impact on the environment and consequently that a full SEA does not need to be undertaken. It is therefore exempt for the purposes of section 7 of the Environmental Assessment (Scotland) Act 2005.

67. The Scottish Government carried out a Fairer Scotland Duty screening assessment for the Bill and is of the view that it will have no impact on inequalities of outcome caused by socioeconomic disadvantage. The Bill does not represent a strategic decision and simply repeals a legislative prohibition which currently prevents the University from awarding degrees in medicine and dentistry. The Fairer Scotland Duty screening assessment will be published on the Scottish Government website following the Bill's introduction.

Business and regulatory impact assessment

68. The Bill does not impose any new costs or regulatory burdens on businesses or third sector organisations, or involve the transfer of costs or benefits. The Scottish Government considers, therefore, that a business and regulatory impact assessment is not required for this Bill.

This document relates to the University of St. Andrews (Degrees in Medicine and Dentistry) Bill (SP Bill 82) as introduced in the Scottish Parliament on 29 September 2020

University of St. Andrews (Degrees in Medicine and Dentistry) Bill

Policy Memorandum

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