



Department
for Business
Innovation & Skills

HIGHER EDUCATION

Education (Student Support and
European University Institute)
(Amendment) Regulations 2013:
Equality Impact Assessment

FEBRUARY 2014

Contents

Contents	2
Introduction.....	3
Description of the policy.....	4
Summary of analysis and impact.....	5
Financial Support for Students – Grants and Loans.....	7
Changes to support for Students undertaking full-year Erasmus study or placement years	10
Changes to support for Students undertaking full-year overseas study years that are not Erasmus years	11
Changes to support for Students undertaking Sandwich work placement years.....	13
Changes to Automatic Course Designation.....	15

Introduction

Under the Equality Act 2010 the Department, as a public authority, is legally obliged to give due regard to equality issues when making policy decisions - the public sector equality duty, also called the general equality duty. Analysing the effects on equality of these regulations through developing an equality impact assessment is one method of ensuring that thinking about equality issues is built into the policy process, and informs Ministers' decision making.

BIS, as a public sector authority, must in the exercise of its functions have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The general equality duty covers the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. As disadvantage in higher education is still apparent in connection to family income and economic status we will also look at the impact on individuals from lower income groups. We will use the terms protected and disadvantaged groups as well as protected characteristics. Protected groups is a reference to people with protected characteristics, and disadvantaged groups refers to low income groups.

Any queries and comments about this equality impact assessment should be addressed to:

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Description of the policy

2. The primary purpose of the Education (Student Support and European University Institute) (Amendment) Regulations 2013 is to update the Education (Student Support) Regulations 2011 so that they set out the amount of support for tuition and living costs that students can receive when they start or continue their designated higher education (HE) course in the academic year beginning on or after 1 September 2014. These amending Regulations also introduce new maximum tuition fee loan amounts for students who are undertaking an Erasmus¹ study or Erasmus work placement year, a period of study at an overseas institution that is not an Erasmus year or a sandwich work placement year. These changes will apply to students starting their courses on or after 1 September 2012 in respect of an academic year beginning on or after 1 September 2014. The Regulations also revise the definition of courses that are designated for support from those that are publicly funded to those in receipt of recurrent grants from the Higher Education Funding Council for England (HEFCE) and equivalent bodies in Scotland, Wales and Northern Ireland. Other minor amendments made by these regulations are technical and consequential changes which do not alter policy, and are therefore not included in the scope of this assessment.
3. The overall intention of support for living and tuition costs is to ensure that finance is not a barrier to entry into higher education. Taken alongside other regulations relating to student support, particularly regulations governing the rules on repayments, the intention is that no eligible student in England should be deterred from attending higher education on the grounds of affordability; that attendance in higher education is based on the ability to learn, not the ability to pay; and that spending power is placed in the hands of students.

¹ European region scheme for the mobility of university students

Summary of analysis and impact

4. We have assessed the impact of the regulations on protected and disadvantaged groups, where we are able to, and considered the three parts of the public sector equality duty in relation to these regulations. We conclude that the most relevant part of the duty for these regulations is 'advancing equality of opportunity', since the intention of student support is to enable access to HE. Although support for tuition and living costs is not determined by a student's protected characteristics, students from lower income households are more likely to receive full support, and there is evidence available² to indicate that women, disabled people and minority ethnic groups are more likely to be represented in such lower income groups. Provision of student support therefore has a particularly positive impact for protected groups who fall within the income eligibility criteria.
5. We have considered our duty in relation to the elimination of unlawful discrimination, harassment and victimisation. We don't consider, or have evidence that, unlawful discrimination, harassment or victimisation exists which could or should be removed through provisions in these regulations, nor that these regulations would introduce such discrimination, harassment or victimisation. Our assessment is the same for our proposed provisions in these amending regulations. We have also concluded that fostering good relations is not relevant overall in terms of the intended outcomes of these regulations.
6. We have looked at age, disability, sex, and race in our evidence and this impact analysis. We do not have specific evidence relating to gender reassignment, pregnancy and maternity, sexual orientation and religion or belief, as data has not been collected on these characteristics.
7. The key findings of this impact assessment are:
8. Increases to full-time grants and loans for living and other costs for 2014/15 (i.e. maintenance grants, loans for living costs, childcare grant, adult dependants grant, parents learning allowance and disabled students allowances) are assessed overall to have a small positive effect, which will not affect protected groups any more than it affects the general student population.
9. Increases to fee loans for the small numbers of English domiciled students who started their courses before 1 September 2012 who are still studying in Northern Ireland in 2014/15 will have a neutral impact, as the increase in maximum tuition fees in line with forecast inflation to £3,685 will continue to be covered by a loan. It is not possible to assess the extent to which this change might impact on students in protected groups.
10. Students who started their courses at institutions in England or Wales on or after 1 September 2012 who are undertaking a full-year Erasmus work or study placement in 2014/15 will for the first time be subject to tuition fees set at 15% of the maximum

² Figure 2.4, page 24 of National Minimum Wage Low Pay Commission Report 2013 available at: http://www.lowpay.gov.uk/lowpay/report/pdf/9305-BIS-Low_Pay-Accessible6.pdf

full-time £6,000 or £9,000 fee caps. The impact of this change will be felt particularly by female students, and it will initially have a negative impact, since students on Erasmus years were not previously required to take out fee loans as they benefited from a fee waiver. However this effect is mitigated by the availability of a loan to cover the cost of tuition in 2014/15. The new policy has helped ensure ongoing support for Erasmus placements by rebalancing the Government's contribution towards the costs of the Erasmus scheme, from which female students particularly benefit.

11. Students who started their courses at institutions in England or Wales on or after 1 September 2012 who are undertaking a non Erasmus overseas study placement year in 2014/15 will benefit from reductions in fee caps. This change will have a positive impact as the maximum amount of loan students will be required to borrow will be reduced. The change has less immediate impact on students from minority ethnic backgrounds and slightly less impact on students aged 21 or over and disabled students as these groups are less likely to be represented here than they are in the overall student population.
12. Students who started their courses at institutions in England or Wales on or after 1 September 2012 who are undertaking a sandwich work placement year in 2014/15 will also benefit from reductions in fee caps. This change will have a positive impact as the maximum amount of loan students will be required to borrow will be reduced. This change has less immediate impact on female students and students from minority ethnic backgrounds as they are less likely to be represented in this group than they are in the overall student population.
13. Students who undertake their study with one of the small number of 'publicly funded' providers who will no longer be automatically designated will not be affected by the change to this definition, as these providers will still have a route into getting their HE courses designated and therefore continue to offer HE courses.

Financial Support for Students – Grants and Loans

14. The student support package – the amount of support a student can receive from the Government towards tuition and living costs - is determined annually. For 2014/15, the changes being made to the package of support compared with what was available in the previous year, are as follows:
15. The maximum **maintenance grant and special support grant for full-time students** entering higher education from 1 September 2012 onwards will be increased by 1% to £3,387 for 2014/15 if their household income is £25,000 or less. The maximum maintenance grant and special support grant for full-time students who started their courses before 1 September 2012 will similarly be increased by 1% for 2014/15, to £3,110.
16. The maximum **loan for living costs for full-time students** entering higher education from 1 September 2012 onwards will be increased by 1% to £5,555 for 2014/15 for students living away from home and studying outside London. (Maximum loans for students living away from home and studying in London and students living at home will also be increased by 1% to £7,751 and £4,418 respectively).
17. The maximum **loan for living costs for full-time students** entering higher education before 1 September 2012 will be increased by 1% to £5,000 for 2014/15 for students living away from home and studying outside London. (Maximum loans for students living away from home and studying in London and students living at home will also be increased for 2014/15 by 1% to £6,997 and £3,876 respectively).
18. The maximum **childcare grant for full-time students** will be increased by 1% for 2014/15 to 85% of the actual costs up to a maximum of £150.23 a week and £257.55 per week for two or more children.
19. The maximum **parents' learning allowance for full-time students** will be increased by 1% for 2014/15 to £1,523.
20. The maximum **adult dependants grant for full-time students** will be increased by 1% for 2014/15 to £2,668.
21. Maximum **disabled students' allowances for full-time and full-time distance learning students** will be increased by 1% for 2014/15 to £20,725 for non-medical helpers, £5,212 for specialist equipment and £1,741 for other disability related expenditure.
22. Maximum **disabled students' allowances for part-time distance learning students** will be increased by 1% for 2014/15 to £15,543 for non-medical helpers, £5,212 for specialist equipment and £1,305 for other disability related expenditure.
23. The maximum **disabled students' allowance for postgraduate students** will be increased by 1% for 2014/15 to £10,362.

24. We have assessed how this change will be felt by protected groups compared to the total population of students receiving student support. We have based our analysis on the numbers of full-time students awarded at least one student support product in academic year 2011/12, the last year for which full final figures are available. In 2011/12 there were 1,023,165 students receiving at least one student support package, including tuition support. Numbers of students in receipt of fee loan only, and therefore unaffected by these changes, are very small (185) and will therefore have minimal impact on our overall findings. The use of 2011/12 data introduces some potential for unreliability in this assessment, as it is not possible to base this analysis on later 2012/13 data which would cover the new student finance arrangements which have applied to students starting their courses since September 2012.
25. Personal eligibility for student support (tuition and living costs) is determined according to one of eleven categories of person set out in regulations. Once personal eligibility and course eligibility have been established, the amount of living cost support a student is entitled to depends upon a household income assessment and, where appropriate, an additional targeted support income assessment. For most students this takes account of the parents' and, in certain circumstances, the student's income, but in the case of students who are deemed to be 'independent', as well as students in receipt of dependants grants (adult dependants grant, childcare grant and parents learning allowance), the household income assessment takes account of the student's income as well as that of their partner and/or dependants. As such, neither eligibility nor entitlement is connected to protected characteristics, but is instead connected to household income.
26. The increases in the student support package set out in these regulations apply to all eligible students, regardless of their background or any protected characteristic. However, since maintenance grant and dependants grants are subject to a means test that is dependent on household income, students from the highest income groups will not receive any of these grants, and are therefore not affected by changes to the amount available. Students from disadvantaged groups will therefore particularly benefit from any increases in maximum maintenance grant, adult dependants grant, childcare grant and parents learning allowance as well as the corresponding increases which will be applied along the household income taper. Increases in maximum loans for living costs will have less particular benefit to students from disadvantaged groups as for every £1 of maintenance grant awarded, the maximum amount of loan is reduced by £0.50. However, the combined maintenance grant and loan package for students will increase in 2014/15, and this increase will particularly be experienced by students from lower income households.
27. Although any increase in student support will particularly benefit students from lower income households, it should be noted that the 1% increase in these regulations for 2014/15 is lower than the forecast rate of inflation. This means that the student support package is not being maintained in real terms. However, the funding available to provide financial support for students in higher education is limited, which in some years means that no inflationary increase can be applied. By increasing current levels of support by 1%, which increases the amount of non-repayable support available to students from lower income backgrounds, the Government is

seeking to assign funding in a way that can maximise the benefit to students, whilst ensuring that the package of support remains affordable and sustainable.

28. Using data from the Higher Education Statistics Agency (HESA) and the Student Loans Company (SLC), we conclude that the percentage of mature students (defined in HESA data as being 21 years of age or over) is broadly the same for both the total student population (37%) and for the population awarded at least one student support product (39%). The same data suggests that the breakdown of students by gender is also broadly the same for both the total student population and for the population awarded at least one student support product, with females comprising 54% of the population awarded at least one student support product and 55% of the total student population. Students from a minority ethnic background are slightly less likely to be awarded at least one student support product when compared with the overall student population (21% awarded student support compared to 24% in the total population). However there are significant limitations in ethnicity data, as students are not required to declare their ethnicity, with 61% of students awarded at least one student support product electing not to do so. There are other limitations in these comparisons due to the fact that a small proportion of borrowers who study in Further Education Colleges or private providers will not be included in the HESA data, and we cannot anticipate the make-up of this student body by protected characteristic.
29. Drawing conclusions about the impact on disabled students is similarly unreliable, as the SLC does not require a student to declare whether or not they have a disability. As a proxy measure we have looked at the proportion of students awarded at least one student support product who are also awarded Disabled Students Allowances (DSA). This data shows that 6% of students awarded at least one student support product also receive DSAs, compared to 11% of the total student population who declare a disability, according to HESA data. Fewer students receive DSAs than declare a disability, which is to be expected as not all students will have a disability which has an impact on their ability to study, meaning they will not necessarily apply for or be assessed as entitled to DSA. The fact that HESA data is based on self-declaration adds additional unreliability in comparing these data sets, and the HESA data may also include small numbers of students who are not eligible for any form of student support. Overall, the data suggests that students without a disability may benefit disproportionately from the increases to grants and loans for living and other costs compared with students with a disability, though it is not possible to state this conclusively, given that the data sources are not strictly comparable. Additionally, maximum DSA allowances have also been increased, with these allowances available solely to students with a disability or long term medical condition with the purpose of assisting them to enter and remain in higher education.
30. Given these findings, and the conclusion that small increases to grants and loans for living and other costs provide at least some benefit to students, we conclude that students from protected groups will benefit to a limited extent from these changes, but to no greater extent than for the student population as a whole.

Changes to support for Students undertaking full-year Erasmus study or placement years

Full-time students undertaking full-year Erasmus study or placement years (or a combination of the two) are, for the 2013/14 academic year, entitled to a tuition fee waiver and are therefore not entitled to apply for fee loans under the Regulations.

For the 2014/15 academic year, new arrangements will apply to students starting courses at institutions in England or Wales on or after 1 September 2012 who are taking an Erasmus study year or Erasmus work placement year abroad. HEIs will be allowed to charge this group of students up to 15% of the maximum tuition fee caps for 2014/15: £1,350 for students attending HEIs where the higher (£9,000) tuition fee amount is permitted and £900 for students attending HEIs where the basic (£6,000) amount is permitted. Eligible students will be able to apply for a tuition fee loan of up to £1,350 under the Student Support Regulations to cover these costs. Separate Regulations amending the tuition fee caps for students undertaking Erasmus study and work placement years will be laid before the start of the 2014/15 academic year.

31. Data from the Higher Education Statistics Agency (HESA) identifies that 6,420 students undertook full year Erasmus study or work placements in 2011/12. From this data, we can conclude that the percentage of mature students (defined in HESA data as being 21 years of age or over) undertaking full-year Erasmus study or work placements (35%) is broadly similar to that in the total student population (37%). The same data suggests that a lower percentage of students from minority ethnic groups (14%) undertake full-year Erasmus programmes than are present in the total student population (24%). The data also suggests that a lower percentage of students with disabilities (6%) undertake overseas Erasmus years than the percentage of disabled students in the total student population (11%). In respect of gender, 66% of students undertaking whole year Erasmus programmes are female students compared with 55% in the student population as a whole.
32. The potential impact of these changes is initially negative, as for the first time students will incur a charge for their Erasmus year. Broadly speaking this impact is not felt particularly by protected groups, with the exception of female students, who are particularly highly represented in the Erasmus population. However, because the tuition fee caps for Erasmus years will be set at only 15% of the maximum tuition fee caps for 2014/15 this is a relatively small impact, which is further mitigated because eligible students will be able to take out loans to pay their fee up-front. Changes to the Erasmus scheme were recommended in a report in May 2012 by Professor Colin Riordan³, Chair of the UK HE International Unit. This report looked at the incentives and obstacles to students studying and working abroad and made recommendations to ensure the numbers of students choosing to go abroad increased in the future. The new policy⁴, which aims to increase the numbers of students choosing to study and work abroad, has also helped ensure ongoing support for Erasmus placements

³ The report can be found at:

<http://www.international.ac.uk/media/1515947/Recommendations%20to%20Support%20UK%20Outward%20Student%20Mobility.pdf>

⁴ <http://news.bis.gov.uk/content/detail.aspx?ReleaseID=424336&NewsAreaId=2>

by rebalancing the Government's contribution towards the costs of the Erasmus scheme, from which female students particularly benefit.

Changes to support for Students undertaking full-year overseas study years that are not Erasmus years

33. Eligible students who started their courses on or after 1 September 2012 who are undertaking study placements at an overseas institution in 2013/14 where the period of full-time study at the UK HEI is less than 10 weeks, can be charged up to £4,500 where their course started on or after 1 September 2012.

For the 2014/15 academic year, new arrangements will apply to students starting their courses at institutions in England or Wales from September 2012 onwards who are taking a period of study at an overseas institution as part of their UK course. Where the period of full-time study at the UK HEI is less than 10 weeks, the HEI will be allowed to charge this group of students up to 15% of the maximum tuition fee caps for 2014/15: £1,350 for students attending HEIs where the higher (£9,000) tuition fee amount is permitted and £900 for students attending HEIs where the basic (£6,000) amount is permitted. Separate Regulations amending the tuition fee caps for students undertaking non- Erasmus study years at overseas institutions will be laid before the start of the 2014/15 academic year.

34. Eligible students will be able to apply for a tuition fee loan of up to £1,350 under the Student Support Regulations to pay their fees. Following this change and the changes outlined above, students on non-Erasmus full-year overseas study years will be treated the same way as students on full-year Erasmus study or placement years.
35. Data from the Higher Education Statistics Agency (HESA) shows that 3,200 students undertook a full year of study at an overseas institution in 2011/12 and a smaller number of students, 925, undertook a period of study abroad for part of the academic year. All students undertaking a full year of study abroad will spend less than 10 weeks at their UK HEI and will consequently be subject to the new 15% fee and fee loan caps. As the HESA data does not identify whether students undertaking part-year overseas study placements are studying for more or less than 10 weeks at their UK HEI, we have not used this data in our assessment as we cannot tell whether the 15% fee and fee loan provisions will apply. The assessment is therefore based on students undertaking full year overseas study placements only. It should also be noted that this data is for the 2011/12 academic year, when different tuition fee arrangements applied. Students who started their courses before 1 September 2012 were charged a maximum of £1,725 for overseas study years.
36. From the HESA data on full year overseas study years, we can conclude that the percentage of mature students (defined in HESA data as being 21 years of age or over) is marginally lower at 34% than the percentage of mature students in the total student population, 37%. The same data suggests that a marginally lower percentage of students with disabilities (8%) undertook overseas study years when compared with the percentage of disabled students in the student population as a whole (11%). This data also suggests that a significantly lower percentage of students from minority ethnic groups (16%) undertake full-year overseas study placements than are present in the total student population (24%). The proportion of

female students undertaking overseas study years is broadly similar to that in the wider student population (55%).

37. The potential impact of these changes on all students starting their courses on or after 1 September 2012 is positive, as students starting their courses on or after this date can only be charged up to a maximum of £1,350 in 2014/15 compared with the current higher maximum of £4,500. Although students with a protected characteristic are slightly under-represented on non-Erasmus overseas study years, this change could therefore have the effect, through the lower fee cap and associated loan availability, of encouraging students with a protected characteristic to undertake overseas study years. However it is not possible to state this conclusively as the cost of such courses is likely to be only one factor in a decision whether or not to undertake a course with an overseas study component.

Changes to support for Students undertaking Sandwich work placement years

Eligible students who are undertaking sandwich work placement years in 2013/14 where the period of full-time study at the HEI is less than 10 weeks, can be charged up to £4,500 where their course started on or after 1 September 2012, which is half of the full year maximum tuition cap. They can apply for a fee loan to meet the costs of their fees. Sandwich work placement years are usually undertaken in the third year of a four year course.

The Wilson Review of Business-University Collaboration (2012)⁵ highlighted the value of sandwich courses (with their year in business and industry) in developing graduate employability. However, the same report noted a decline in sandwich courses since 2002/03 and made a number of recommendations to help increase demand. To encourage greater provision and uptake of sandwich courses with their acknowledged benefits to students, businesses and universities, the Government has set a lower maximum fee cap for students who are undertaking sandwich work placement years in 2014/15.

These new arrangements will apply to students starting their courses at institutions in England or Wales from September 2012 onwards who are taking a Sandwich work placement year either in the UK or abroad. Where the period of full-time study at the HEI is less than 10 weeks, HEIs will be allowed to charge this group of students up to 20% of the maximum tuition fee caps for 2014/15: £1,800 for students attending HEIs where the higher (£9,000) tuition fee amount is permitted and £1,200 for students attending HEIs where the basic (£6,000) amount is permitted. Separate Regulations amending the tuition fee caps for students undertaking Sandwich work placement years will be laid before the start of the 2014/15 academic year.

Eligible students will be able to apply for a tuition fee loan of up to £1,800 under the Student Support Regulations to pay their fees.

38. Data from the Higher Education Statistics Agency (HESA) shows that 15,935 students undertook a full year Sandwich work placement in 2011/12 and that a smaller number of students, 2,705, undertook a part year Sandwich work placement in 2011/12. All students undertaking a full-year sandwich work placement in 2014/15 will spend less than 10 weeks at their HEI and will consequently be subject to the new 20% fee and fee loan caps. As the HESA data does not identify whether students undertaking a part-year sandwich placement are studying for more or less than 10 weeks at their HEI, we have not used this data in our assessment as we cannot tell whether the 20% fee and fee loan provisions will apply. The assessment is therefore based on students undertaking full year Sandwich placements only. It should also be noted that this data is for the 2011/12 academic year, when different tuition fee arrangements applied. Students who started their courses before 1

⁵ Professor Sir Tim Wilson's recommendations for sandwich work placement years can be found on page 39 of 'A Review of Business – University Collaboration' at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32383/12-610-wilson-review-business-university-collaboration.pdf. The final cap was set at £1,800 to ensure HEIs had sufficient income to invest in sandwich courses.

September 2012 were charged a maximum of £1,725 for their Sandwich year work placement.

39. From the 2011/12 HESA data on full-year Sandwich placements, we can conclude that the percentage of mature students (defined in HESA data as being 21 years of age or over) undertaking Sandwich year work placements (39%) is broadly similar to that for the total student population (37%). The data also suggests that the percentage of students with disabilities (10%) undertaking full year Sandwich placements is broadly similar to the percentage of disabled students in the total student population (11%). The same data suggests that a lower percentage of students from minority ethnic groups (18%) undertake full-year Sandwich work placements than are present in the total student population (24%). The proportion of female students undertaking full-year Sandwich work placements is also lower than for the student population as a whole: HESA data identifies 45% of students undertaking full-year sandwich placements as female students compared with 55% in the student population as a whole.
40. The potential impact of these changes on all students starting their courses on or after 1 September 2012 is positive, as students starting their courses on or after this date can only be charged up to a maximum of £1,800 in 2014/15 compared with the current higher maximum of £4,500 for this group of students. Although female students and students from minority ethnic groups are slightly under-represented on courses with a sandwich year placement, and therefore may initially appear to benefit less from this change, conversely it could have the effect, through the lower fee cap and associated loan availability, of encouraging such students to undertake courses with a sandwich year placement. However it is not possible to state this conclusively as the cost of such courses is likely to be only one factor in a decision whether or not to undertake a course with a sandwich year component.

Changes to Automatic Course Designation

The changes to the definition for automatic course designation are part of a number of policy proposals aimed at controlling pressures on the student support budget and developing a more level playing field between existing HEIs and alternative providers. One of these proposals is to ensure that courses are only automatically designated if the provider is subject to student number controls managed by HEFCE or the Devolved Administration equivalents. To achieve this we have amended the definition of automatic designation in the Student Support Regulations so that it only applies to courses wholly provided by those institutions that are (a) funded by HEFCE and Devolved Administration equivalents or (b) provided by publicly funded institutions on behalf of such institutions under franchise arrangements. This will mean a number of other 'publicly funded' providers will no longer be entitled to automatic designation and they will need to go through a specific course designation process in future.

There are approximately 117 NCTL (National College for Teaching and Leadership) Initial Teacher Training providers and about a dozen non-HEFCE funded Further Education Colleges affected by this change. We have agreed specific course designation arrangements for both these groups of providers and our assumption is that this provision will continue as before. Students on these courses will therefore not be affected by this change.

Our analysis shows that fewer than 10 other providers, who collectively have about 20 students receiving student support, will be affected by this change, and these include a sixth form college and an Academy school. Given the numbers involved it is not possible to break down this student data by protected characteristic. It is important to note that these providers will be able to apply for specific course designation and, subject to meeting the quality, financial, governance and course checks, they will be able to continue to offer HE courses. The more robust designation process will protect the student interest, the reputation of UK higher education and the public investment. Student number controls will be introduced for alternative providers from academic year 2014/15.

Our overall assessment is that, as there are relatively small numbers of 'publicly funded' providers with small student numbers, and they will still have a route into getting their HE courses designated (and therefore continue to offer HE courses), there is minimal or no impact on students, regardless of whether or not they have a protected characteristic.

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