

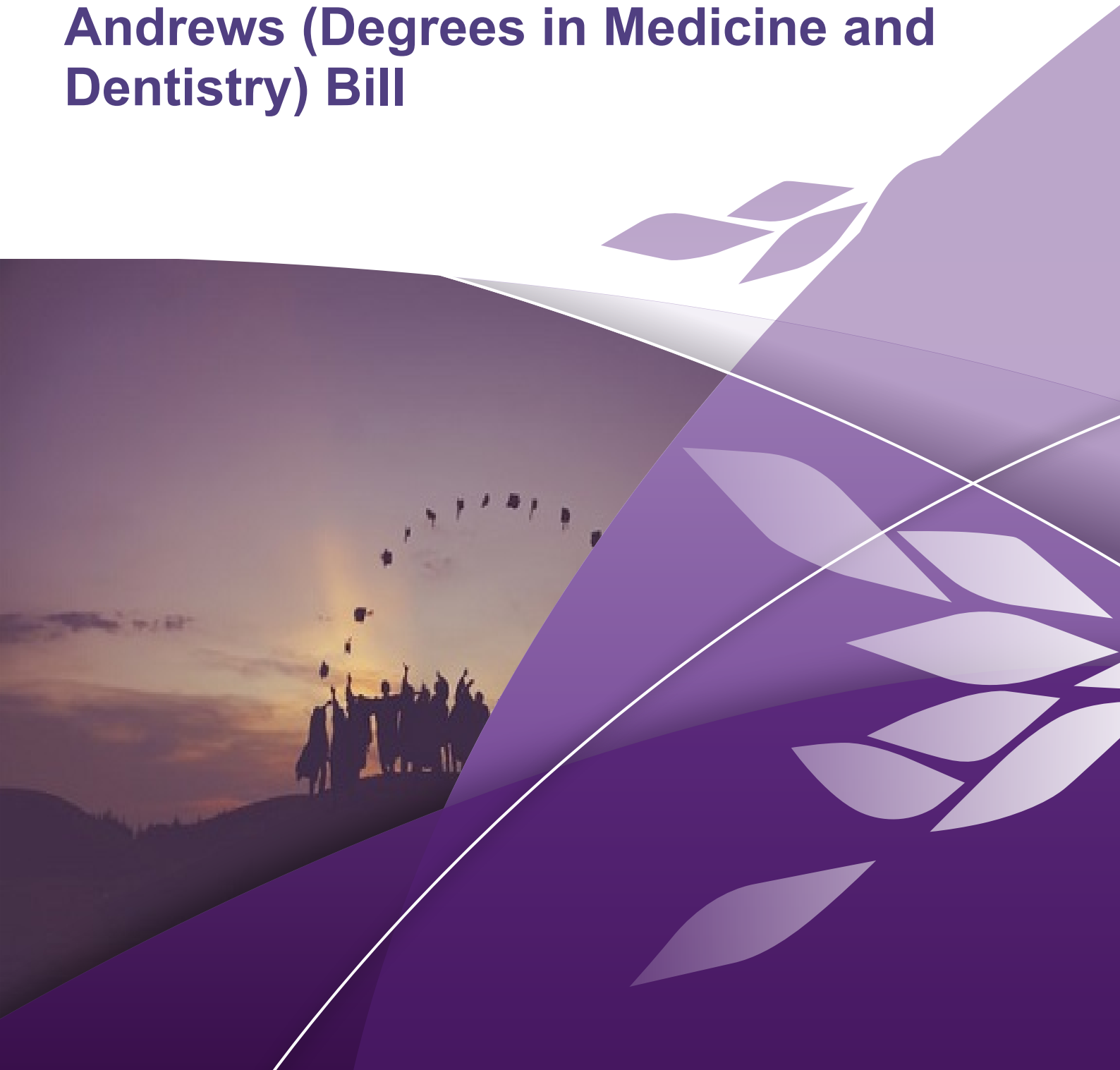


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## Health and Sport Committee

# Stage 1 Report on the University of St. Andrews (Degrees in Medicine and Dentistry) Bill



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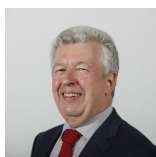
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# Committee Membership



**Convener**  
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Scottish Labour



**Deputy Convener**  
**Emma Harper**  
Scottish National Party



**George Adam**  
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Scottish National Party



**Brian Whittle**  
Scottish Conservative  
and Unionist Party

# Introduction

## Overview of scrutiny and purpose of the Bill

1. The University of St. Andrews (Degree in Medicine and Dentistry) Bill <sup>1</sup> (“the Bill”) was introduced by the Cabinet Secretary for Health and Sport, Jane Freeman, on 29 September 2020 and was referred to the Health and Sport Committee as lead Committee at Stage 1. The Bill was accompanied by a Policy Memorandum <sup>2</sup> (PM), Explanatory Notes <sup>3</sup>, and a Financial Memorandum <sup>4</sup> (FM).
2. The Finance Committee considered aspects of the Bill in relation to the FM and their views are reported later in this report. There are no regulation-making powers in the Bill.
3. The aim of the Bill is to remove a legislative prohibition preventing the University of St. Andrews from holding qualifying examinations and awarding degrees in medicine and dentistry.
4. The reason for taking action at this time is to allow the University of St Andrews, jointly with the University of Dundee, to award undergraduate Primary UK Medical Qualifications to Scottish Graduate Entry Medicine (“ScotGEM”) students, with the first set of students due to complete their four year course and graduate in 2022.
5. The PM <sup>2</sup> says the prohibition is unfair, anti-competitive and no longer serves a purpose. Therefore, in removing the prohibition, the Bill creates a fairer higher education sector and enables all of Scotland’s institutions to maximise the options and opportunities they offer to students in Scotland.
6. The Bill aims to remove the legal prohibition by repealing paragraph 17 of schedule 6 of the Universities (Scotland) Act 1966 (“the 1966 Act”). It contains 3 sections –
  - Section 1 repeals the prohibition against granting degrees in medicine and dentistry;
  - Sections 2-3 contain provisions on commencement and the short title.
7. We launched a call for views on the Bill which ran from 7 October 2020 until 18 November 2020 and received eleven responses <sup>5</sup>. SPICe published a background briefing on the Bill which includes a summary of key issues raised by respondents. <sup>6</sup>
8. We took evidence at our meetings on 1 and 8 December 2020 from the following witnesses—
 

1 December

  - Professor Sally Mapstone, Principal and Vice-Chancellor, the University of St. Andrews;
  - Professor David Maguire, Principal and Vice-Chancellor, the University of Dundee;

- Callum George, Deputy Chair, BMA Scottish Medical Students Committee;
- Andrew MacFarlane, ScotGEM Student Cohort.

8 December

- Jeane Freeman, Cabinet Secretary for Health and Sport,
- Carmen Murray, Bill Team Leader and
- Stephen Lea-Ross, Head of Workforce Practice, Scottish Government.

9. We would like to thank all those who provided oral and written evidence as part of our consideration of this Bill.

## Background to the Bill

10. The University of St Andrews is Scotland's oldest University founded in 1411. Medicine was first offered as a subject in the 17th century and initially medical degrees were only awarded to established medical practitioners. However, in 1897 it amalgamated with a new academic centre, Queens College in Dundee, allowing the University of St Andrews to award Primary Medical Qualifications (PMQs) for the first time. Medical students had a choice of completing the first half of their studies at either university with this relationship continuing until the 1960s.
11. In 1966, The Universities (Scotland) Act 1966 reconstituted the four ancient Universities of Scotland (Aberdeen, Edinburgh, Glasgow and St. Andrews). In doing so, it separated the University of St Andrews from Queens College, which then became the University of Dundee.
12. In the immediate separation, the clinical part of the medical degree remained at the University of Dundee. St Andrews had no clinical medical school or teaching hospital and the University of St Andrews lost its right to award Bachelor of Medicine and Bachelor of Surgery (MBChB) medical degrees. Consequently, the 1966 Act put in place a legislative prohibition to prevent the University of St Andrews from granting degrees in Medicine or Dentistry.
13. Since then the University of St Andrews has offered a three-year undergraduate BSc in Medicine. However, students must finish their degree in medicine by attending other universities to complete the clinical part of a PMQ MBChB programme. St Andrews is the only university in the UK with this course structure.

## ScotGEM

14. In 2018, Dundee University and St Andrews University began offering the Scottish Graduate Entry Medicine programme (ScotGEM) in collaboration with the University of the Highlands and Islands.
15. ScotGEM is Scotland's first graduate entry medical degree. It is completed over 4 years and results in a Primary Medical Qualification (PMQ) and MBChB. The course is aimed at graduates interested in a career in general practice and has a

focus on rural medicine and healthcare improvement.

16. There are 55 students each year and ScotGEM students can opt in to a 'return of service bursary' whereby they receive £4,000 for every year of NHS service they commit to (up to £16,000).
17. ScotGEM students were told that they would graduate with a joint degree in Medicine from both St. Andrews and Dundee. The first cohort of students are due to graduate in 2022. However, without repealing the legal prohibition in the Universities (Scotland) Act 1966, students would only be able to receive their degree from Dundee University.

## **Restrictions on awarding medical degrees**

18. The PM points out that the removal of the prohibition will not automatically result in St Andrew's University being able to award medical or dentistry degrees outwith the ScotGEM programme. Full medical degrees from the St Andrew's University would still require the approval of the General Medical Council (GMC). This is because the GMC approves the institutions that may award PMQs and undertakes the necessary quality assurance processes. There are also financial restrictions on awarding PMQs as medicine is a 'controlled subject'. This means that intake numbers are controlled by ring-fenced public funding aimed at meeting workforce requirements. "Non-controlled subjects" receive their funding from the main publicly funded teaching grant awarded to institutions by the Scottish Funding Council.
19. The PM highlighted the University of St Andrews had submitted a bid in the open competitive commissioning process to develop proposals for a new medical school as set out in the 2019 Programme for Government. It explained seven other institutions submitted proposals, including one from each of the five existing medical degree providers, however the process was postponed in March 2020 as a consequence of Covid-19. The PM states that 'Due to the ongoing situation with Covid-19, there are presently no plans to resume this process'.<sup>7</sup>

## Overall views on the Bill

20. All of the responses we received were supportive of at least a partial repeal of prohibition on the University of St Andrews being able to award medical degrees. Most, but not all, agreed with the complete repeal contained in the Bill.  
Aberdeenshire Health and Social Care Partnership (HSCP)<sup>8</sup> did however express concern around the University of St. Andrews establishing its own medical degree suggesting this could exacerbate problems around retention of school leavers and graduates in the North East on qualification.
21. This also concerned Dundee University who expressed a preference for a partial removal of the prohibition for the purposes of the ScotGEM programme only. Dundee University's concerns centred on the effect an independent medical degree at St. Andrews University could have on teaching capacity in the area arguing if medical students from a new St Andrews School of Medicine were to use the existing resources in the area, it would result in a 25% reduction in training capacity for Dundee University students.<sup>9</sup>



## Prohibition removal

22. The sole aim of the Bill is to amend the Universities (Scotland) Act 1966 to remove the prohibition which stops St. Andrews University from awarding degrees in Medicine and Dentistry. We were interested in the rationale to achieving this by making a complete, rather than partial lifting of the prohibition.
23. There was widespread general support for the repeal of the prohibition in both written submissions and oral evidence. One of the main reasons for support was that it would bring St. Andrews University in line with other medical schools in Scotland and allow the University of St Andrews to award the ScotGEM PMQ jointly with the University of Dundee.
24. ScotGEM argued that students enrolled to their programme of study were given a clear expectation their degree would be jointly awarded by the University of St. Andrews and the University of Dundee. For a number of students this joint award was an important factor in their decision to apply and it was a matter of fairness to ScotGEM students they receive a joint degree. The written submission from ScotGEM highlighted that 97.5% of students responding to a survey were strongly supportive of obtaining a joint degree. <sup>10</sup>
25. The University of Dundee supported the prohibition being removed only partially for the purposes of ScotGEM but with it remaining in place for all other degree-awarding purposes. According to the PM, this was on the basis that there could potentially be 'adverse and unintended consequences to the education and training environment in Scotland.' <sup>11</sup> Professor Maguire, Principal of Dundee University, explained this position in the wider context of St Andrews University being empowered to award undergraduate medical degrees. He said it would impact on existing Scottish medical schools and they would be concerned that it would impact on Dundee's ability to place students in local hospitals. <sup>12</sup>
26. Professor Mapstone, Principal of St Andrews University, told us she could not support only a partial removal as it only responds to the immediate ScotGEM situation and does not address the issue of fairness allowing St Andrews University to compete with other institutions on a level playing field. <sup>13</sup>
27. Andrew MacFarlane, representing ScotGEM, told us a partial lifting of the prohibition was not discussed with students however he said 'but if the decision was based purely on a sense of fairness, as Professor Mapstone said, I think that the students would be in support of the restriction being fully repealed.' <sup>14</sup>
28. The Cabinet Secretary emphasised that the prohibition was originally intended to be temporary, and is therefore no longer needed. She explained it was put in place in the 1960s as a transitional provision in order to give immediate effect to the separation of Queen's College in Dundee to form the University of Dundee and it was clear that purpose had been achieved. <sup>15</sup>
29. The Cabinet Secretary set out why the Scottish Government was not in favour of a partial removal of the prohibition stating that, not only was the prohibition intended to be temporary, but it was also unfair. She said <sup>16</sup> —

- ” It is unfair for any academic institution to be prevented from offering a degree in a controlled subject that their counterparts elsewhere can offer... I see no reason for a partial removal when a full removal opens up opportunities in research and removes an unfair fettering of one of our institutions compared to its counterparts elsewhere in the UK.

# NHS recruitment and widening access to medicine

30. We were interested in the ScotGEM programme, and in particular its aim to improve recruitment and retention in rural areas and widen access to medicine while recognising this issue is on the periphery behind the intentions of the Bill. We were interested in the argument mentioned by some witnesses that should a new medical school be awarded to the University of St Andrews this could potentially limit progress on widening access to medicine by attracting a different demographic to the ScotGEM programme.
31. Professor Maguire was not in favour of a new medical school and argued the University of Dundee is well placed to provide any new medical provision as it 'leads the field by some margin' in terms of widening access to medicine as it has a very high proportion of Scottish domiciled students and those who come from deprived areas.<sup>17</sup>
32. The Cabinet Secretary told us the ScotGEM programme formed part of a package of initiatives aimed at enhancing the national health service workforce of the future with a specific focus on general practice and remote and rural working. She said that it aims to retain as many doctors as possible within NHS Scotland following their graduation with the use of a bursary which is awarded on the condition that the student works for the NHS in Scotland.<sup>18</sup>
33. On the issues raised around a new medical school, the Cabinet Secretary told us repeatedly that this Bill was not about that. However she noted that discussions around the need for a new medical school and where it would be based will require a deeper understanding of ways to widen access to medicine.
34. She told us it was not simply about which areas of deprivation undergraduates come from but "more about taking practical steps that make participating in higher education more feasible for people".<sup>19</sup>
35. The Cabinet Secretary explained that when considering the proposals for a new medical school, the Scottish Government will consider undergraduate numbers, anticipated flow for associated clinical placements and workforce demands. They will also consider what levers could be used to widen both access and the throughput into the areas of Scotland that traditionally struggle to recruit and retain doctors. She emphasised that this work has currently been paused due to Covid-19 saying<sup>20</sup> —
- ” Although I intend to pick that up and move it on a little, the time that is left in the current parliamentary session is so limited that I do not anticipate that we will reach a final view before Parliament rises for the next set of elections.

36. We are very supportive of the ScotGEM programme. We also support the removal of the prohibition to allow St Andrews University to award degrees in Medicine and Dentistry. We recognise this prohibition is unfair and was not

intended to remain permanently in place. For that reason a partial removal only of the prohibition would not be appropriate.

37. The issue of whether St Andrew's University competes to establish a new medical school is not provided for in this Bill and does not require additional legislative changes. Discussions around proposals for a new medical school have been postponed although we consider it would be prudent, when resumed, they take into consideration the wider evidence we heard on NHS recruitment and widening access to medicine during our Bill scrutiny.

# Finance and Constitution Committee consideration

38. The FM states that the Bill does not create any additional or any new costs or savings. The Finance and Constitution Committee received one response to their call for views on the estimated financial implications of the Bill.<sup>21</sup> We agree no direct costs arise.

# Overall conclusion

39. We support the general principles of the Bill.

# Annexe A

## Extracts from the Minutes of the Health and Sport Committee Meetings

[26th Meeting, 2020 \(Session 5\) Tuesday 6 October 2020](#)

**6. Work programme (in private):** The Committee considered and agreed its approach to the University of St Andrews (Degrees in Medicine and Dentistry) Bill.

[32nd Meeting, 2020 \(Session 5\) Tuesday 1 December 2020](#)

**1. University of St. Andrews (Degrees in Medicine and Dentistry) Bill:** The Committee took evidence on the Bill at Stage 1 from—

- Professor Sally Mapstone, Principal and Vice-Chancellor, the University of St. Andrews;
- Professor David Maguire, Principal and Vice-Chancellor, the University of Dundee;
- Callum George, Deputy Chair, BMA Scottish Medical Students Committee; and
- Andrew MacFarlane, ScotGEM Student Cohort.

**3. University of St. Andrews (Degrees in Medicine and Dentistry) Bill (in private):** The Committee considered the evidence heard earlier in the meeting.

[33rd Meeting, 2020 \(Session 5\) Tuesday 8 December 2020](#)

**4. University of St. Andrews (Degrees in Medicine and Dentistry) Bill:** The Committee took evidence on the Bill at Stage 1 from—

- Jeane Freeman, Cabinet Secretary for Health and Sport;
- Carmen Murray, Bill Team Leader;
- Stephen Lea-Ross, Head of Workforce Practice; and
- Magdalene Boyd, Solicitor, Legal Directorate, Scottish Government.

**6. University of St. Andrews (Degrees in Medicine and Dentistry) Bill (in private):** The Committee considered the evidence heard earlier in the meeting.

# Annexe B

## Written evidence

- [Richard Simpson](#)
- [Andrew MacFarlane, Scot GEM Student Cohort](#)
- [Naomi Rahman-Shaw](#)
- [Samuel Hutchison](#)
- [Dr Miles Mack, Scottish Academy, Chair](#)
- [NHS Ayrshire & Arran](#)
- [Professor Sally Mapstone, University of St. Andrews](#)
- [Lisa Furby, General Medical Council](#)
- [Norman Edwardson](#)
- [Iain Ramsay, Aberdeenshire Health and Social Care Partnership](#)
- [Dominique Maske, British Medical Association](#)

## Supplementary written evidence

- [Letter to Lewis Macdonald MSP, Convener of the Health and Sport Committee from Professor Sally Mapstone - 14 December 2020](#)
- [Letter to Lewis Macdonald MSP, Convener of the Health and Sport Committee from Jeane Freeman MSP, Cabinet Secretary for Health and Sport - 17 December 2020](#)

## Official Reports of meetings of the Health and Sport Committee

- [Tuesday 1 December 2020](#) - evidence from expert witnesses
- [Tuesday 8 December 2020](#) - evidence from the Scottish Government



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- [9] Dundee University submission to the Scottish Government's consultation on the Bill. (n.d.) Retrieved from <https://www.gov.scot/publications/consultation-primary-legislation-proposal-remove-legislative-restriction-university-st-andrews-award-degrees-licenses-medicine-dentistry-analysis-consultation-responses/pages/11/>
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## Health and Sport Committee

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- [20] Health and Sport Committee. Official Report, 8 December 2020, col 32. (n.d.) Retrieved from <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=13010&mode=pdf>
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